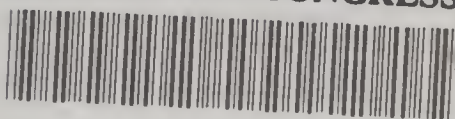


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A Stolen Nomination

FOR THE

Presidency

The Facts of the Chicago
Convention of 1912

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NEW YORK

THOU SHALT NOT STEAL

EXTRACT FROM EDITORIAL BY THEODORE ROOSEVELT

(Reprinted from "The Outlook")

The American people are entitled to know that the charge of stealing the Chicago convention of 1912 is more than campaign recrimination, and that the frauds complained of are much more serious than the mere repetition of loose practises which might have found unfortunate precedents in some previous conventions of both parties. Seriously and literally, President Taft's renomination was stolen for him, from the American people, and the ratification or rejection of that nomination raises the critical issue whether votes or fraud shall determine the selection of American presidents. There may have been loose or arbitrary decisions of individual contests before; but this is the first time—and it must be made the last time—that a national committee, by conscious and intentional fraud, deliberately transforms the minority of a national convention into a majority, and thereby substitutes the brute power of a committee of professional political bosses for the expressed will of the people as a whole.

These statements are capable of mathematical demonstration. More than enough delegates to make up Mr. Taft's majority in the convention were seated there by contests so transparently fraudulent that honest doubt could not, and did not, exist in regard to them. President Taft was renominated by a majority of barely twenty-one votes, and two of these were publicly raped at the last moment from Massachusetts. If, therefore, more than nineteen or twenty-one of his votes were demonstrably fraudulent, all claim to an honest majority disappears. The demonstration can be made as to many more than this number without touching on a single honestly debatable case.

This reckoning takes no account of the notorious fact that even the undisputed part of Mr. Taft's support was largely artificial and misrepresentative, made up of delegates from the outlying possessions, from hopelessly democratic states, and from states where the people had been successfully denied the expression of their will. Such an artificial handicap is an injustice, but it stops short of being criminal. Neither does the reckoning take full account of the fact that at least eighty or ninety of the rejected Roosevelt delegates had a better title to vote in the convention than did the seated delegates from New York City. It does not even include many cases quite as flagrant, but not so notorious, as the ones here discussed. It is sufficient to

consider only the four confessedly indefensible cases of California, Arizona, Washington, and Texas, which alone more than wipe out the margin. All that could be added from the other cases would only increase the Roosevelt majority of the honest convention. But I wish it distinctly understood that many of these other cases were as clear as the California case itself. This was true of the Tennessee and Kentucky cases, for instance, the Kentucky cases being especially noteworthy because of the way in which Federal office-holders were used by the Taft people to supplement the work of fraud; and in Indiana, Michigan, Alabama, and Arkansas cases just as flagrantly against justice were decided; while one Louisiana case was the most flagrant of all. But the California, Arizona, Washington, and Texas cases were the best known, and in them there was practically no room for dispute as to the facts.

It is significant that these four cases were among the last decided by the national committee. The committee first heard a large number of contests which had evidently been brought more for the purpose of demonstrating the misrepresentative character of the delegations from certain democratic states than for the hope of seating the particular contestants. Then it decided a number of other cases, some of which ingenuity might make plausibly debatable. Not until it was demonstrated that even all these cases were insufficient to reverse the majority in the convention did the committee go to the final length of throwing out the honest representatives of these four states. When this drastic course was finally decided on, debate was obstructed and curtailed, roll-calls were refused, and the proceedings of the committee lost all semblance of even pretended fairness. It was public and undisguised robbery, and all who instigated it and helped carry it out, all who profited by it, and all who condone or apologize for it stand on the same low plane of morality.

Three of these cases were a direct assault on the right of the people to elect their own delegates at primaries, since in them a few score politicians decided that the voters as a whole had no right themselves to decide whom they wished to see nominated. In the California case the delegates to the national convention were elected by direct vote at state-wide preferential primaries. The national committee first, and then the national republican convention, nullified the state law, and therefore, by inference, all state primary laws. In Arizona and Washington the control of the state conventions depended on which of two rival delegations were seated from certain counties, the one set elected by the republican voters at primaries regularly called, and the other set arbitrarily appointed by bolting minorities of county committees. The state committees, in each case, seated the appointed delegates, and the national committee approved that action.

A GLANCE AT THE NATIONAL COMMITTEE

The Republican National Committee met in Chicago on June 6, 1912.

Many people, well informed as to general issues which divide parties, who follow the records of public men, and who may be said to be well versed in politics, have only a hazy impression of what may be called the anatomy of politics—that is to say, the sources of political power, along what lines it moves and is directed, where it is stored, and how it can be stolen and deflected from its legitimate channels.

They know that national conventions are composed of delegates from the several States, but how the delegates are chosen or representation apportioned, how the convention is organized, manipulated, and sometimes, as happened at Chicago, coerced into misrepresentative action, against the judgment and wishes of the party, are subjects upon which the information of most of us is very deficient.

We all know that there is a body called the national committee; that it wields great power, and that its action is sometimes, as recently, the subject of bitter and wide-spread denunciation. But few know just how the committee goes about it to thwart the party's will, and just why many of its members have incurred such general odium.

The national committee consists of fifty-three members—one from each State and the territorial possessions, Alaska, the District of Columbia, Hawaii, the Philippines, and Porto Rico. Each has a member in the national committee, and although the territorial possessions cast no vote in the Presidential election, their representatives in the national committee have equal voice and power with the representatives of populous States, such as New York and Pennsylvania.

The members of the committee are not by virtue of their membership participants in the convention of the party. They are not necessarily delegates to the convention. In fact, a large number of the national committeemen were defeated for election as delegates to the recent Chicago convention. The national committee is not a committee *of* the convention. It is not appointed by the convention. It does not report to the convention, and yet this irregular and unofficial body practically overlies the convention and determines for all practical purposes its course and its choice of candidates, by making up the temporary roll of the convention and thus determining who shall sit and who shall not sit as delegates.

All contests arising from the election of delegates to the convention are referred in the first instance to the national committee. The credentials of elected delegates are forwarded to the committee from the several States, and formal notices of all contests are likewise transmitted to it.

About two weeks prior to the opening of the convention, the national committee meets for the purpose, theoretically, of considering these contests, examining evidence, and hearing arguments. It thus makes up a temporary roll of the convention.

The credentials committee is nothing more nor less than a body whose personnel is carefully selected to make sure of the ratification of the prior action of the national committee on contests, and transmits nominally its own, but in reality the recommendations of the national committee, to the convention on the subject of roll of delegates, in case of appeals from the decisions of the national committee.

The credentials committee has a member from each state, chosen by the delegates from each state, whose credentials have first been approved by the national committee. At the Chicago convention several of its members were also members of the national committee, and thus sat in review of their own prior decisions. In every case the credentials committee sustained the national committee, as it was intended to do; and, in fact, any other result was carefully precluded by the manner of the organization of the credentials committee, as pointed out.

The national committeemen, one from each state, are chosen by the delegates from that state to the preceding national convention. The national committee which recently met in Chicago had been elected four years previously by the delegates to the convention which nominated Mr. Taft in 1908.

Of the thirty-nine members who formed the solid Taft phalanx within the committee, fifteen were defeated and repudiated within their own States a few weeks prior to the convention. Four represented territories or insular possessions having no votes in a presidential election. Ten were from southern states that have given no electoral vote to the Republican party. When it is said of the committeemen that certain of them had been repudiated in their own states reference is made to such committeemen as Senator Boise Penrose of Pennsylvania, who had failed of election as a delegate to the national convention. In the same category is Senator W. Murray Crane of Massachusetts. Senator Crane had been defeated in his own State for election as delegate-at-large to the convention, and failed to secure reelection as a member of the national committee. Mr. Victor Rosewater, of Nebraska,

had been defeated in his State as a candidate for national committeeman, and sat upon the national committee for the last time; and there were numerous others in the same plight.

The notorious part in the committee's proceedings played by Penrose, Crane, Rosewater, and their companions in defeat, like the final shot of the retreating Parthian, marked their egress from the field of active politics.

There were thus twenty-nine members, or two more than a majority of the whole committee, who were without any political standing whatever, and yet had the power to unseat delegates elected by popular state-wide primaries, as in the case of California; to recognize delegates without a shadow of right to sit in the convention, as in the case of Texas; and thus by a series of indefensible decisions, disregarding evidence, ignoring merits, and in some instances without any basis whatever for their action, to mold and fix arbitrarily the composition of the national convention.

The total number of delegates making up the convention was 1,078. To nominate Mr. Taft required 540 delegates. Mr. Taft did not have this number of votes in the convention. Of the honestly elected delegates Mr. Roosevelt had a decisive majority.

How was Mr. Taft to be nominated? Not by a minority, that was clear. He had been unable to win a majority. That majority had to be found.

The national committee, bound to Mr. Taft by Federal patronage and all the ligaments and prepossessions of machine politics, proceeded to find it. In one Indiana contest affidavits were filed showing that a majority of the entire number of delegates constituting a district convention had not voted for the Taft delegates who presented false certificates of election. At first it was decided to exclude such evidence. Then it was decided to receive the affidavits, but to ignore their contents and the facts which they incontrovertibly established, and seat the Taft delegates. It was so ordered. This was the case in the Thirteenth Congressional District of Indiana.

The delegates elected from Texas were undeniably the regular and lawful delegates. But they were for Roosevelt. To have recognized their credentials from the republican state convention of Texas would have been tantamount to conceding Roosevelt's nomination. It was not to be thought of. Without a qualm the national committee violated all its own precedents, and seated Taft delegates elected by a bolting minority from the State convention, in admitted violation of the Terrell Election Law of the state of Texas.

The committee met in an ugly temper on the morning of June 6. It had long been rumored, in fact it was openly charged, that their purpose was to count Mr. Taft in, by fair means or foul. They were not long in confirming suspicion as to their intent and purpose.

The minority of delegates which Mr. Taft's managers had gathered up in a raid through the rotten boroughs of Southern republicanism could not give him the nomination. That was clear. So the national committee, with letters of marque and reprisal from the President, started out like privateers to capture Taft delegates, wherever pretext could be manufactured or quibble invented.

It mattered little that the great Republican States from which the party has always drawn its electoral strength had by huge majorities repudiated Mr. Taft's candidacy. The national committeemen belong to the old school of politics. They believe in government by "a representative part of the people." They like the rôle of dispensers in their several states of Federal patronage. They did not propose to "let go" without a struggle. The new-fangled idea of popular primaries had never appealed to them. It was "dangerous" doctrine, this heresy that a national convention should register the will of the voters. Popular rule, so the committee felt, was an insolent intrusion by the people into the committee's hitherto unchallenged autocracy. It must be sternly crushed.

The task was congenial to the majority of the committee. A large number of its members were embittered by personal defeat. It was manifest to all that Mr. Taft, if nominated, stood no chance of election. His errors, his betrayals of the people, his partiality to special interest, his vacillations, his overwhelming repudiation in the pre-convention contest for delegates in the Republican States, left no room for doubt that he was a beaten candidate before the campaign could be opened. But the party organization remained, and the committeemen, although beaten and discredited, resolved to fight for their clutch on the party organization, as a nucleus for the reconstruction of their shattered political power. In fact, the defeat of Mr. Taft was looked upon as not such a bad thing. It might be easier, these so-called leaders reasoned, to rebuild their local power after a defeat of the national ticket, instead of having to combat the vigorous resistance of a self-confident and victorious party, with anti-bossism one of its cardinal principles.

While it was true that Mr. Taft's nomination spelled party defeat, they themselves having been repudiated by their party, felt the temptation to retaliate against the Republican voters by

coupling with their personal disasters the defeat of the ticket, and thus invite the inference that the two results were related.

Never before in the history of the Republican party did the national committee meet for the acknowledged purpose of forcing the nomination of a candidate already defeated, and of excluding from the program of the convention any measure or resolve that could make for the success of the party at the polls.

For temporary chairman of the convention they selected the most conspicuous servant which the forces of privilege have ever found. They made no mistake. Some men might have revolted from the work assigned to Senator Root, but he leaped to the task, and surpassed even the expectations of his friends. The convention fairly gasped when he ruled that, notwithstanding the presence of a duly elected delegate in the convention who declined to vote, the convention could permit an alternate to vote in his stead. This actually happened, this monstrous ruling, on the call of the roll for the nomination of the President. The ruling was not made, however, until the State of Massachusetts, far down in the alphabetical order of states, had been reached, and not until it was possible, in making the ruling, to record the vote of a Taft alternate in place of a regular Roosevelt delegate.

By this indefensible act Mr. Root made a personal contribution of two votes to Mr. Taft's slender majority on the fraudulently padded roll.

With these facts in mind it can readily be appreciated just how judicially disposed the national committee was when Mr. Rosewater, of Nebraska, making his farewell appearance as a member of the committee, brought his gavel down and announced that the committee was now prepared to "judicially" examine and decide upon the claims of rival delegates, representing Mr. Taft on the one hand and Mr. Roosevelt on the other.

Their first business was to adopt a set of rules, and the most important rule proposed was that there should be no roll-call except upon a request concurred in by twenty members. They calculated that there were only about eleven or twelve members of the committee who were impartial or friendly to Mr. Roosevelt, and that by restricting roll-calls to requests by at least twenty members they were throwing a protecting pall of secrecy about their action, and could then do about as they pleased without bearing the burden or odium personally of their conduct. This proposal called out an eloquent protest from Senator Borah of Idaho. He insisted that a fairer rule in this respect should be adopted, and moved that a roll-call of the committee be ordered if requested by ten members of the committee.

The Constitution of the United States (Article I, Section

5) provides that the yeas and nays of the members of the House of Representatives and the Senate shall be recorded on the desire of one-fifth of those present.

The rules of the New York State Assembly provide that the yeas and nays shall be recorded on the request of ten members, the Assembly having a membership of one hundred and fifty.

Senator Borah, in behalf of his motion, said:

"I do not make this motion with any expectancy, even if it is carried, of assisting the candidate with whose interest it is known I am allied. I do not presume for a moment that it will result in the seating of any delegate who will not otherwise be seated, or of not seating any delegate who would otherwise not be seated. I understand perfectly that those in the majority here have the votes to seat whom they would seat, and will do so whatever the manner of procedure of this committee may be. I make this motion for another reason. We are representing here a great party organization. We are supposed to represent the millions who constitute the rank and file of the party. We meet under extraordinary conditions, and under circumstances in some respects most unfortunate. What we do, therefore, ought to be done in the open, and every vote recorded with an individual responsibility behind it.

"I cannot believe this committee is going to seat men who manifestly have no right to a seat, but if you are going to do so, for the sake of your party do it openly, and above board, and put your individuality and your courage, though in a bad cause, behind your vote.

"Are you ready to answer to your constituents when you go home? Let's make a record that cannot be assailed at least for cowardice."

According to the Chicago press accounts, at this point an effort was made to take Senator Borah off his feet by moving to lay the motion on the table. He said he would not submit to gag-rule, that he had a right to address the committee, and that he proposed to do so, so long as he was not physically taken out. A long wrangle and shouting of different people at the top of their voices continued, while the chairman in the mean time was putting the motion to lay Senator Borah's motion on the table. He continued after quiet was regained, and said:

"What are you men afraid of? What is it that you are going to do? If these delegates are entitled to seats why should you conceal your record? Have you lost your courage? Are you ashamed of what is going to happen? I do not hesitate to say that men who have not the moral courage to record in the open every vote which they cast in a matter so vital to the party, are unworthy to represent the great Republican organization. The man who has the legitimate majority of the delegates to this convention should be nominated, and when so nominated he will be loyally supported by all. But it doesn't make any difference who is nominated, whether it be one candidate or another. If he is nominated by the seating of delegates whose seating you dare not defend, it will be a disastrous day when it is done."

It only remains to add the comment of the Chicago reporter who was at the scene, and who said:

"After Senator Borah concluded his plea, his proposal was steam-rollered—defeated by a *viva voce* vote."

Thus the number of members who might demand a roll-call remained at twenty.

The vote of the committee denying the newspapers generally access to their hearings, and restricting the channels of publicity to a handful of press association representatives, was another step taken at the outset which gave a significant clue to the committee's program.

But there was no need to depend upon mere clues or suggestions or inferences from such acts as above related for knowledge of the committee's purposes. In the *Chicago Tribune* of June 8 the following conversations between members of the committee were reported:

"While the Ninth Alabama contest was under consideration Senator W. Murray Crane suggested to several members of the committee that it would be wise tactics to seat the Roosevelt delegates.

"'Big Steve' Stephenson of Colorado, who holds a proxy from former Senator Nathan B. Scott of West Virginia, is reported to have replied:

"'We can't afford to let them have it. We might be able to spare two votes now, but we must look ahead to the time when we will have to give them something. We can't do it now.'

"When the ninth district contest was settled by a vote of 38 to 15 in favor of the Taft forces, National Committeeman Mulvane, an ardent Taft man, of Kansas, said to a man friendly to Col. Roosevelt:

"'Now you fellows have got an inkling of what you are going to get. Are you going to waste our time going over all these contests?'

"'What do you fellows intends to do?' Mulvane was asked. 'You know you surely can't elect Taft.'

"To which Mulvane is said to have responded:

"'We can't elect Taft, but we are going to hold on to this organization and when we get back four years from now we will have it and not those d—— insurgents.'"

These are not pleasant facts to dwell upon, and we will leave the discredited national committee to the indignation of the great political party it has compromised and betrayed.

THE CONTESTS

INCLUDING SOME OBSERVATIONS ON THE SO-CALLED "TAFT DEFENSE"

The contests instituted on behalf of the Roosevelt delegates involved two hundred and thirty-eight delegates. A large proportion of these contests originated in the southern states, and were in the nature of protests against the fraud and corruption which have characterized the party administration in the southern states for more than a generation. The republican party in many of the southern states, like Alabama and Louisiana, is a "ghost" party, polling an inconsiderable number of votes, and really a mere name, continued in the interest of a little clique of Federal office-holders who maintain a sham party organization as a side adjunct to their business of absorbing local Federal patronage. These conditions have recently been the subject of telling exposures in *Collier's Weekly*.

The temptation to use these readily controlled political machines has proven more than the administration in Washington could apparently resist, and there has been an intimate connection between the organization of fraudulent Taft conventions in the southern states and the bestowal of rewards in the shape of local Federal appointments.

These conditions have long been a scandal in the party, and attempts have been made in the past to reduce the representation of the southern states in the national convention. In the state of Louisiana, for instance, the republican party does not poll enough votes to meet the definition of the Louisiana statutes of a political party, and yet the state has a representation in the national convention almost equal to that of great republican states like Minnesota and California, with their hundreds of thousands of voters.

These southern states never cast an electoral vote for a republican candidate for president, and yet through the operation of Federal patronage give to a president seeking renomination upward of two hundred votes in the nominating convention, which can be readily controlled, although representing no republican thought, sentiment, or voting strength. Taft received 244 votes from such southern states. He could not have spared the single democratic state of Alabama, nor Virginia, nor Georgia.

So low is the vitality of the republican party in these southern states that these conditions have been suffered to continue without effectual protest for many years.

This year the candidacy of Theodore Roosevelt and his strong support by the progressive republicans seemed to give promise of more honest conditions at the convention, and to indicate that, despite the failures of the past, a protest against these intolerable conditions, if made before the Chicago convention, might secure consideration and lead to recognition of the true sentiment of the convinced and genuine republicans of the south.

In many of the southern states the formalities in relation to the call of the conventions were wholly disregarded. Conventions were held without notice, or upon irregular notice. The participation of the voters in the choice of local delegates was not desired nor sought; but, on the contrary, every fraudulent device was employed to exclude such participation. This did not prevent the manufacture of artistic credentials. The material recitals entering into sound credentials were unhesitatingly embodied in the certificates of election, but in many cases these certificates contained false recitals of fact. The most effective instrument of party regularity in the south is still the typewriter, and from an analysis of the tribunal to which these contests were referred it is apparent that superficial regularity on the part of Taft delegates was all that was needed.

The so-called official statement issued over the signature of the defeated national committeeman from Nebraska, Mr. Rosewater, speaks slightingly of the Roosevelt contests. These contests were brought in absolute sincerity and good faith, and in no instance were they devoid of merit and genuine equity. In several contests the national committee voted with unanimity, but this was due to the fact that in the conscientious opinion of the Roosevelt members of the committee, although impressed with the equities of the Roosevelt cases, it was felt that the proofs had not been brought to a degree of affirmative preponderance sufficient to overcome the artful surface appearance of regularity which the facile coiners of Taft credentials uniformly contrived to give to their cases.

This disposition on the part of Roosevelt men not to allow their preferences for Mr. Roosevelt to sway their judicial consideration of the contests, and their determination to be just in cases of doubt or insufficiency of proof, even to the Taft side, were without effect upon the unrelenting majority of the Taft steam-roller.

To the disinterested examiner of the contests, however, this concurrence by the Roosevelt committeemen in certain detached cases must give all the greater weight to their dissenting votes in those pivotal contests where the equities of the Roosevelt

contests were unanswerable, such as in Washington, Texas, California, and Arizona.

Time and space forbid a detailed enumeration of the false assertions contained in the Taft defense. Where downright misstatement is not possible, resort is had to disingenuous suggestion and deceptive form of statement. For instance, on page four of the Taft defense the statement appears that "in no other convention was so much care exercised or so much time devoted to the investigation of contests." This statement is amusing when compared with the motion that was actually made in the credentials committee that the time taken for a roll-call could be saved if the secretary was directed to record the vote as uniformly given on prior contests without continuing the formality of actually taking the vote.

And again, a line or two further, appears the statement that "no delegate was permitted to vote upon any contest affecting the right to his own seat." This is an extraordinary assertion in the light of the minority report of the credentials committee, in which a protest is filed against the following members of the credentials committee sitting and participating in the action of the committee, to wit:

Mr. J. C. Adams, of Arizona;

Mr. C. A. Warnken, of Texas, and

Mr. W. T. Dovell, of Washington,

for the reason that these men were elected by entire delegations whose seats were contested.

Again a protest was made against the same gentlemen participating in and voting upon the questions in any of the contests, upon the ground that they were in effect sitting as judges in their own cases.

A further protest was made by the minority of the credentials committee against Mr. Thomas H. Devine, of Colorado, chairman of the credentials committee and one of the signers of the so-called Taft defense; against Mr. Fred W. Estabrook, of New Hampshire; Mr. Henry Blun, Jr., of Georgia; Mr. L. B. Mosely, of Mississippi, and Mr. L. P. Shackelford, of Alaska, from sitting on the committee, for the reason that they were members of the national committee and participated in its deliberations and actions, and therefore should not be permitted, as members of a court of appeal, to sit in review of their own prior decisions.

There were only two roll-calls on the contests in the convention, involving two delegates from California and two from the ninth district of Alabama. In these cases a mock concession to fairness was made in a rule which prohibited a delegate from

participating in the convention vote of over a thousand, on a contest affecting that delegate's seat. But the Taft defense does not say, what is very material in this connection, that the entire body of fraudulently seated delegates, bound together by the solidarity of mutual wrong-doing and the sense of common fraudulent interest, *were* permitted to vote.

On page thirteen of the labored Taft defense appears in italics the statement in reference to the bolting Taft convention in Arizona, that "if only the uncontested delegates in the Taft convention had been permitted to vote, the Taft delegates would have been in the majority," and this is cited in support of the equities of the Taft delegates from Arizona. But no mention is made in the account of the Indiana contest of the fact that if only the uncontested delegates in the Indiana state convention had voted, the Roosevelt delegates would have been elected by a clear and decisive majority. In Indiana the Taft delegates were only elected by padding the convention roll with one hundred and twenty-four contested delegates, and then permitting the latter to vote in favor of the retention of their seats.

Speaking of the Indiana contest on page eighteen, a reference is made to the Indianapolis *Star* as having "been neutral in the contest between Taft and Roosevelt." Not so neutral as Taft's defenders would have it appear. The Indianapolis *Star*, in its editorial columns on March 27th, thus reveals its "neutrality" in an editorial assailing the election of the Taft delegates by the Indiana state convention. Speaking of the "flaw in their title," the Indianapolis *Star* says:

"Much as the *Star* desires the nomination and reelection of President Taft, it greatly regrets that the verdict of Indiana republicans in his favor could not have been straight and clear."

A newspaper is neutral, it would appear, in the Taft opinion, when it is honest. If it had defended the dishonest action of the Indiana state convention it possibly might fall in the category of a pro-Taft newspaper.

The disingenuousness of the Taft defense is shown in their statement of the California contest. The misstatement is contained therein to the effect that the result in the fourth California district was certified by the registrar of voters of the city and county of San Francisco, but the further information is not vouchsafed that this certification of the vote in the fourth district was thereafter canceled and rescinded as being not only incorrect, but, by reason of local conditions, impossible. There were fourteen precincts in this district which overlapped the adjoining district, the fifth, and it was impossible to determine

what the actual vote was in the district for the Taft and Roosevelt delegates, who were candidates under the provisions of the state law, for election as delegates-at-large.

Again, on page sixteen, it speaks of the decision of the California contest as dictated by a precedent laid down in the national convention of 1880. In 1880, however, there was no question of a state election law involved, nor of a popular primary, resulting in a majority of 77,000, which it was necessary for the national committee to get around and disregard. Analogy must be closer than this to constitute a precedent.

But the Taft defense says on page 18, still speaking of California:

“It is absolutely irrelevant to the question at issue how much majority the Roosevelt ticket had in the state at large.”

In this admission is contained the key to the whole policy of the Taft majority on the national committee. Again and again the attorneys for the Taft contestants or contestees, in cases where the proof showed an overwhelming vote and sentiment behind the Roosevelt delegates, assured the national committee or the credentials committee that the Taft credentials were all regular, that the t's were crossed and the i's were dotted, that the call had been copied into the minutes of the convention, and that everything had been done according to rule. To the steam-rolling majority on both the national and credentials committees this seemed to determine the question. They *also* thought it absolutely irrelevant to the question at issue how large a majority the Roosevelt delegates in contest might have behind them.

In the Texas case the Taft defense opens with the statement:

“The issue as to the eight delegates-at-large from the state of Texas is not merely a political one, but a moral one.”

No disinterested man who examines the Taft statement of the Texas case would undertake to defend the national committee's action. Taft's apologists beg the whole question in the sentence above quoted, that the issue is a moral one and not a political one. They can only mean that, conceding that the Roosevelt delegates from Texas were the legally elected delegates, they should not have been chosen on moral reasons. In other words, that there were reasons extraneous to the regularity and legality of their election which should control.

This was precisely the point argued before the national committee. It was conceded that the Taft delegates from Texas were irregular, that they were elected at a bolting convention held by

an inconsiderable minority of the delegates elected to the state convention. The regular convention had elected Roosevelt delegates by a vote of 162 to 13. There were only 27 of the 249 Texas counties which had instructed for Taft, and of these 27 counties the delegates representing 13 participated in the regular state convention. It was, nevertheless, insisted that the Roosevelt delegates did not represent the true republican sentiment of the state. This was the whole Taft case in the state of Texas. However, on that point we have the statement of D. G. Ruggles, editor of the *Houston Daily Post*, published in the *Brooklyn Eagle* of July 28th, attempting the justification of the national committee. The editor of the *Houston Post*, however, says in his statement:

“Were Theodore Roosevelt in Texas and facing a presidential primary, he would doubtless carry the state as far as republicanism is concerned, even Taft republicans will acknowledge.”

It would thus appear that the “moral” question disappears before admitted fact, and that the contention of the Taft defense is overruled even by the Taft republicans in Texas.

There was but one question on which the decision of every contest hinged. Were the contestants for Taft or were they for Roosevelt? If for Roosevelt, a pretext must be found for excluding them from the convention. If they were for Taft, it didn't make any difference what pretext was selected, they were promptly seated.

In the Texas case it was claimed that the republican organization of Texas was standing in the way of republican growth in Texas. Figures were presented contrasting the vote of the republican party in 1896 with the vote cast by the republicans in the last gubernatorial election in Texas.

If a lawyer in court made such a use of statistics or data he would be rebuked and disciplined. The manifest intention is to deceive. It is well known that in 1896 hundreds of thousands of Democrats throughout the country deserted their party for the purpose of putting down the free silver heresy and of saving the country from Bryan. The Taft defense contrasts the vote in Texas of 65,000 for Taft in 1908 with 26,000 cast by the republican party in the election for governor in 1910 as an argument for ignoring the republican organization, the regularity of its convention, and the legitimacy of its election.

The same argument, if applied to President Taft's own state of Ohio, where in 1910 the republican party, handicapped by Taft's record, lost the governorship and control of the state by approximately 100,000 votes, although the party had carried the

state two years previously for the national ticket, would have resulted in the exclusion of the fraudulent delegates-at-large from Ohio, elected at a state convention held a few days after Roosevelt had swept the state of Ohio by a majority over Taft of nearly 50,000.

We ask the question, does Mr. Taft think the state convention of Ohio, which gave him six delegates-at-large, represented the republicanism of Ohio? If it did not, should not his delegates-at-large from that state have been unseated on the considerations advanced in his interest in the Texas case?

But the national committee cared nothing for consistency. They were there only to seat Taft delegates and to exclude Roosevelt delegates. In Washington it was conceded that Roosevelt had carried every primary overwhelmingly. It was conceded that the Roosevelt delegates were in a majority in the state convention.

In this case, however, the national committee decided, notwithstanding that the Taft convention represented only a minority, that it was regular, and that, notwithstanding the majority behind the Roosevelt delegates, their convention was irregular and they were merely bolters.

It is impossible for the national committee to have been right in both the Texas and Washington cases, as the reason adopted for one decision was rejected in the other.

In the Indiana case the Roosevelt minority on the national committee concurred in the vote to seat the Taft delegates because the decisive votes in the state convention were cast by delegates who had been chosen at a so-called primary election.

It was conceded by the Taft men on the committee that the primary had been characterized by wide-spread fraud, intimidation, and repeating; but it was claimed that the proof of fraud did not affirmatively establish that a sufficient number of votes should have been rejected for this reason to have reversed the primary result. The Roosevelt men on the committee, looking ahead to the later cases in which the title of Roosevelt delegates was derived from popular primaries, decided in the Indiana case to stand by the basic principle of the authority of the primary, and concurred in the vote.

But when the steam-rolling majority of the national committee encountered a primary in which Roosevelt delegates had been elected by a majority of 77,000, as in California, they dug up as a pretext for unseating the Roosevelt delegates from the fourth California district a precedent from the national convention of 1880, in conflict with the statute law of the state of California, and established as a precedent at a time when the primary had not been introduced as a method of electing delegates.

Upon the moral question which receives so much stress in the Taft defense in the Texas case, we have the word of the New York *World*, applying to the moral question of Taft's candidacy in its entirety, and not to any specific contest. Says the New York *World*:

"Morally, the Taft administration has been rejected by the republican party."

In a recent issue the Detroit *News* said, referring to the Chicago convention:

"There were ten men at the republican national convention in Chicago writing for the Detroit *News*. All of these men are writers of wide experience in political affairs, some of them having attended every national convention for twenty years. Each was at liberty to write reports of events just as he saw them. Two have a dislike for Theodore Roosevelt that amounts almost to a hatred, but every one of the ten agreed on one proposition. It was, that William Howard Taft did not have enough duly elected delegates to control the convention and nominate himself."

The question as to the good faith and honesty of the national committee's disposition of the contests is not worthy of serious consideration.

The impartial observers of events at Chicago were the newspaper correspondents. Collier's *Weekly*, in its issue of July 29th, under the caption "The Stolen Delegates," publishes the following extracts from various newspapers the country over, and entitles its page: "Comment on the illegality of Taft's nomination from newspapers of every shade of political belief."

THE SPOKANE SPOKESMAN-REVIEW.

There is no "bluff" back of the Roosevelt contesting delegation from Washington. . . The people of Washington know—and none more than the Taft machine leaders—that Colonel Roosevelt is entitled to the fourteen votes from this state.

CHICAGO NEWS.

The victor at the end was as lonely as Robinson Crusoe. He had been renominated by representatives of a minority of the republican party. He had been given a majority of the delegates by unscrupulous work on the part of the old national committee, now dead. Much of this work was so scandalously bad that it could not be condoned by the progressives who were its victims.

NEWARK (N. J.) NEWS.

There is no mistaking the validity of Roosevelt's claim to be the chosen leader of the majority of the rank and file of those who vote customarily under the republican emblem. His defeat at the convention has been at the hands of a minority and by the arbitrary rulings of a

political committee irresponsible to the party voters. The rulings of the committee were not even consistent, except on the ground that wherever Taft could be given a delegate, that was the thing to do.

RICHMOND TIMES-DISPATCH.

With Crane and Penrose in control at Chicago, with Ryan and Murphy in control at Baltimore, why should not the independent voter feel that a third party is his only salvation? Whose fault will it be if the democratic party is split in two? And what will Virginia say of her share in that business?

DALLAS MORNING NEWS.

The fundamental and sufficient cause of this secession was not the ambition of any man or of any set of men, but the conviction, wide-spread and deep in the masses of the Republican party, that their loyalty to that party was being used by a coterie of bosses to serve corrupt ends, that they were being betrayed by the very men who were foremost in preaching the virtue of loyalty. Coming to Chicago with a minority of the votes, despotism and fraud were resorted to to supply what votes the cause needed to make it dominant.

HARTFORD TIMES.

Defend the procedure there as much as Chairman Roraback and others may please, and the fact remains that seventy-two of the delegates, whose seats were in dispute, were allowed to sit in judgment on their own credentials. Might just as well have a thief sit in the jury box, so far as fairness and equity are concerned.

THE SPRINGFIELD REPUBLICAN.

There has never been a time when the republican party pretended to make its national nominating conventions representative necessarily of the majority sentiment of republican voters.

SIOUX CITY (IOWA) TRIBUNE.

The same kind of a deal in a legislature would have opened the doors of the penitentiary for the men making it. It was as corrupt as anything that was done in the election of Lorimer. Abe Ruef never planned anything more atrocious against the public. Roosevelt could not connect himself with such corruption.

THE NEW ORLEANS ITEM.

Mr. Roosevelt had the republican masses behind him. Mr. Taft had the levers of the party's machinery in his hands. The band of self-seekers behind Mr. Taft, who have discredited the republican party, with this machinery at their command, have been able to steal a presidential nomination belonging to Mr. Roosevelt and bestow it on Mr. Taft.

LOS ANGELES TRIBUNE.

Thus, delegates seated by fraud, in the interests of a candidate ignominiously rejected, became the instruments whereby the will of a legitimate majority was nullified. . . . Thieves were named to make up a majority of a committee that was to try them, and the progressives rightly refused to act with the thieves.

LA CROSSE (WIS.) TRIBUNE.

Of the two men who engaged in this fight, Roosevelt enjoyed the greater popularity. He might have been elected President. That Taft cannot be is conceded by many who helped force his nomination. Yet these men said to the progressive republicans: "You must swallow Taft and wreck the party." If the great mass of republicans who have been in the fight for truly representative government take the bosses at their word, the wreck will be upon the heads of those who in the interest of minority rule have pulled the pillars from beneath the temple.

CHICAGO EVENING POST.

In our judgment, that nomination was a tainted nomination. There were in it trickery and fraud. Stripped to its practical essentials, it was a nomination made by a minority instead of a majority. . . . The miserable twenty-one votes above the nominating point which the "steam roller" drivers were able to muster fade instantly away under scrutiny from any standpoint of representative determination.

THE SAN FRANCISCO BULLETIN.

California indorses the third party, founded by the honest majority of the recent republican convention and submitted to the people of the United States by its progressives. California indorses Governor Johnson's brave stand, not only in fighting the thieves to a finish, not only in refusing to be bound by the action of a stolen convention, but in leaving that fraudulent convention and taking the leading part in forming a new party and carrying out the will of our 77,000 majority by nominating the man wanted.

CHICAGO TRIBUNE.

The suicidal success won in a fraud-packed convention by the discredited remnants of standpat leadership in the republican party has served only to throw into higher relief the progressive leadership of Theodore Roosevelt. No other man in public life could have accomplished what he has done in the preconvention fight.

KANSAS CITY STAR.

The enthusiastic determination of the people to elect a progressive President in spite of the fraud workers of the national committee in Chicago is the most natural thing in the world. Being overwhelmingly progressive before that crime against popular government was perpetrated, the people are logically now more strongly than ever determined to control their government.

It is impossible within reasonable compass to present the Roosevelt side in more than a few of the cases. The following have been selected not because they are the most flagrant instances of high-handed injustice on the part of the national committee, but because the facts in the cases lend themselves most readily to reasonably brief statement. They are sufficient. President Taft was nominated by twenty-one votes—or by nineteen, if the two from Massachusetts are omitted, which were counted only by the extraordinary ruling of Chairman Root,

that when a delegate answers "Present, but not voting," his alternate shall be allowed to vote—always providing that alternate is a Taft man and the delegate is a Roosevelt man.

Taking only four of the cases hereinafter cited, namely, California, Arizona, Washington, and Texas at large, these cases in their narrowest application cover thirty votes. The change of these thirty votes would have defeated Taft and would have reversed all the important actions of the convention.

THE CALIFORNIA CONTEST

The action of the Convention sustaining the prior action of its Credentials Committee and of the National Committee in seating two contesting Taft delegates from the State of California was productive of more bitter and outspoken resentment than any other one of the series of high-handed acts committed in Mr. Taft's interests.

When the Progressive Republicans of California were swept into power in 1910, as the result of a great protest against the domination of the State by a corrupt ring which had held sway for many years, they found a law upon the statute-book which would have enabled their leaders to select arbitrarily, as formerly had been done, a full quota of delegates to the National Convention. The Progressive Republicans determined, however, notwithstanding the possession of this power, to yield it in favor of a popular Presidential preference primary as being more in accord with the temper of the people and the principles for which the Republican party stood. Accordingly a Presidential preference primary law was passed, whereby the choice of a full delegation from the State of California was to be determined by a popular State-wide primary vote.

Mr. Taft, Mr. LaFollette, and Mr. Roosevelt filed the statement required by the California primary law, announcing themselves as candidates for the votes of the people, which could only be cast under this law, and accepting the provisions of the law, and agreeing to abide by the popular verdict. Mr. Taft on May 12, two days before the primary election was held, addressed a message to the voters of California in which he said:

"On the eve of your Presidential primary in California I venture to appeal to the Republican men and women who exercise the franchise, to consider fairly well the legislative and executive achievements of my administration, and especially those which have affected California, and say whether they do not deserve the approval of California.

"I submit a record is formed that entitles this administration to the support of the Republican men and women of California, and that it is progressive to the highest degree."

The election was held. Twenty-six delegates were voted for throughout the State of California. None were nominated or voted upon as district delegates. Each, under the provisions of the law, agreed to abide by the operation of the law, and became a candidate for delegate under the terms of the law.

The result was an overwhelming expression of popular preference for Mr. Roosevelt. He received 146,000 votes; Mr. Taft, running second to him, received only 69,000 votes. The result was conclusive. It was acquiesced in by all, even up to a time several days subsequent to the convening of the national committee in Chicago.

The first premonition that there would be an attempt to unseat any of the California delegates elected by a majority of 77,000 voters was in the form of a tentative announcement before the national committee by counsel, suggesting that California might be the subject of a contest, and asking that it be postponed until the National Committee had neared the completion of its hearings, as it was conceived to be likely that a question affecting two of the Roosevelt delegates might be presented to the National Committee.

The mere suggestion called forth indignant protests from all quarters. This was steam-rolling with a vengeance. It was no ordinary convention contest, involving the usual questions as to whether the call of a county convention was regular, or whether the chair had the right to fill vacancies on a district committee, or whether the place of meeting had been duly designated, or the notice published as required by law. These are favorite stand-bys of delegations which rely upon steam-rolling majorities in the national or credentials committees. The question involved in California was, shall a national committee flout the mandate of 146,000 republican voters in a great republican state? Not one of the southern states, where the republican party for years has been a byword and a jest; not a rotten borough, but a sovereign Republican state, whose electoral vote has been cast many times for the candidate of the republican party, and whose vote the success of the party in any close election may absolutely hinge upon.

But the rumor that the national committee intended to edit and revise the result of the California primary was persistent. At first it was not believed. It did not seem possible that folly and callousness could go so far. The sentiment of the delegates to the convention was so angry, however, that the

assurance was spread about that if, on a later calculation of the Taft strength in the convention, it was found that the votes which it had been determined to take from Roosevelt and transfer to Taft, from the California delegation, were not needed, the convention might later bow gracefully to the storm of public indignation and reverse the action of the national committee, thereby gaining some credit before the people for impartiality. This point of security, however, the Taft forces never reached, and they were obliged to stand squarely upon their record of discreditable conduct.

Under the law of California, as of several other states, the method of electing delegates to nominate a presidential candidate is exactly analagous to the method of choosing electors to elect a president. The delegates favoring each candidate are placed on the ballot in a single group, and are voted on by the State at large. This law passed the California legislature by unanimous vote, and was accepted by all parties and factions. The Republican candidates, including Mr. Taft, personally signed their approval of the several groups of delegates running in their names. The election was regularly held under the law, and the twenty-six Roosevelt delegates received and filed their certificates of election from the Secretary of State. There was no dispute of their election under the law. The contest was on the law itself.

The convention call of the national committee provided that the election should be by districts, while the law of California required it to be by the State at large. The delegates, therefore, were elected at large, but on the issue being raised on two of the twenty-six delegates from California, the national committee put its call above the law, and reversed the result of the election.

Even aside from this nullification of the law, the California contest rested on no basis of fact. The Roosevelt delegates carried every county but one in the state, and received decisive majorities in all the congressional districts but one. In the fourth district, comprising roughly the northern half of the city of San Francisco, the margin was so close that it would depend on the votes of fourteen border precincts, casting 1,685 Republican votes, which were situated partly in the fourth and partly in the fifth district. The registrar of voters of San fourth district, or who received a majority in that district. The committee, however, disregarded these certificates, and rested Francisco and the Secretary of State both certified that it was impossible to tell how many of these votes were cast in the instead on a previous certificate, issued by the Secretary of State

by mistake, and subsequently revoked by him, and on this flimsy basis concluded that the twenty-six Taft delegates had received a few more votes in the district than the twenty-six Roosevelt delegates. Three of the Taft group and three of the Roosevelt group happened to be residents of this district, so the Committee arbitrarily chose two of these three Roosevelt delegates for rejection, and substituted for them as arbitrarily two of the three defeated Taft delegates—and not the ones who had the highest votes. The decision was based on neither law nor facts, since it was in direct repudiation of the law, and had no facts other than guesswork as to the vote, and arbitrary selection as to the individuals. The committee arrogated to itself a power which the Supreme Court of the United States has refused to exercise in analogous cases, and erected its temporary convention call into an authority over the election of delegates greater than that which the Constitution of the United States possesses over the selection of electors.

The California case clearly was the most far-reaching in its significance, because while it directly affected only two votes, the principle enunciated in it would destroy the entire system of Presidential primaries. The national committee bluntly decided in this case that it would nullify any state primary law which did not coincide with the terms of the committee's convention call. As convention calls are sure to differ from year to year, and those of one party from those of another, while state laws differ in one state from another but must be uniform in each state as to all parties, it follows that it must be beyond human ingenuity to devise a system whereby all state laws in all parties will coincide with the convention calls of all parties. The only principle on which the primary system can survive at all is that the laws of each state shall prevail as to the elections in that state. This principle the national committee squarely overthrew in the California case, and the new national committee, which will exercise the same powers in 1916, has explicitly taken the same ground as its predecessor.

When the California contest was called, Governor Hiram Johnson of California declined to appear before the national committee. He refused to recognize that there could be any contest affecting the delegates from the fourth California district. He addressed a note to the national committee in which he said:

“I will not submit the title of property to a trial by the thief who steals it. I consider it would be an insult to the people of California for me to appear before a committee which obsequiously receives Calhoun's Hogue, or even listens to a contest by Patrick Calhoun designed to override a majority of 77,000 Republicans, before a committee which has pre-judged the contest.”

Resolutions adopted by the California delegates were presented "condemning as a betrayal of trust, a violation of the precepts of decency and honor, and as an intentional assault upon the integrity of the Republican party, the outrageous conduct of the national committee, and the discredited and repudiated bosses now dictating and controlling that committee, whereby delegates chosen by the people in their respective States in the interest of Theodore Roosevelt are being denied seats in said convention, while their places are given to hand-picked machine puppets chosen by the bosses in the interest of William H. Taft."

The resolutions further called upon the California delegates to go to the limit of honorable endeavor to rebuke the tactics complained of, and to fight to the last for Roosevelt, a progressive ticket, and the progressive cause.

Mr. Francis J. Heney, who was present in the committee-room, was asked by National Committeeman Chubb of Florida if he was present to argue the California cases. "No," said Mr. Heney, "I have come here for the purpose of apprising the President that he is accepting stolen goods if he takes these delegates when you give them to him."

A motion was made by Mr. Estabrook, of New Hampshire, to seat the Taft delegates, so-called, from the fourth California district.

Senator Borah of Idaho offered as a substitute a motion that the Roosevelt delegates should retain the seats to which the California Republicans had elected them by a majority of 77,000.

A roll-call on Mr. Borah's motion was requested and refused, under the rule which required the concurrent request of twenty members to obtain a roll-call. A roll-call, however, was permitted on the Estabrook motion, and resulted in thirty-seven affirmative votes to seat the Taft men, and sixteen negative votes.

In the debate which took place over the fourth California district, President Taft's procedure was defended by Senator Murray Crane and Senator Boise Penrose.

There was present in a private conference-room near the committee-room during the debate, and while the vote was going on, Assistant Secretary of the Treasury R. O. Bailey, as well as the President's private secretary, Charles D. Hilles, and Secretary Nagel of the President's Cabinet.

Reports of the progress of the discussion before the national committee were from time to time borne to this group of conferees in this side room, and when the result was reached it was hailed by the personal representatives of Mr. Taft with every manifestation of satisfaction and approval. Thus was the fraudulent result wrought in his behalf ratified and adopted by Mr. Taft.

THE TEXAS CONTEST

Delegates-at-large

Eight delegates-at-large from the State of Texas, headed by Cecil A. Lyon, were unseated by the national committee by a *viva voce* vote, after refusing the request of Senator William E. Borah, of Idaho, for a roll-call. The action was taken shamefacedly, nervously, and hurriedly, and it was manifest to every one who had followed the flimsy argument put forward by the contesting delegation, and who heard the unanswerable argument made on behalf of the regular delegates who were unseated by the committee, that the vote was in clear and conscious disregard of the merits of the case. Hon. Timothy L. Woodruff, ex-Lieutenant-Governor of the State of New York, a member of the uninstructed New York delegation, who had repeatedly declared that he was for Taft, at the announcement of the vote on the Texas contest, said that he was so strongly moved by the injustice of the committee's action that he would henceforth not be for Mr. Taft, if nominated by a convention whose temporary roll was thus made up.

The Texas delegation was absolutely essential to the nomination of Mr. Taft. How essential it was recognized as being appears from the fact that the national committee violated all the precedents it had itself established in other contests, disregarded the law of Texas relating to the election of delegates to a State convention; ignored the unassailable regularity of the Texas State convention, and of the credentials it had issued to delegates elected by it, and now finds itself in the peculiar position of having discredited the convention by which the electors on the Republican ticket in the State of Texas were chosen, and whose places on the official ballot at the approaching November election will be due exclusively to the regularity which the national committee invaded and disregarded.

Texas has two hundred and forty-nine counties. Two hundred and eight counties duly elected delegates to the State convention that was held in the city of Fort Worth on May 28, 1912. The remaining forty-one counties are either not organized under the Texas laws, or are not organized under the rules of the Republican State Executive Committee of Texas, or failed to present proper credentials within the specified time. Contests were presented to the executive committee, acting as a credentials committee in accordance with Texas law and party usage, from seventeen counties.

These contests were referred to sub-committees of three members each, and on each sub-committee both the Taft and Roosevelt forces were represented. The reports of the sub-committees were unanimous with the exception of one sub-committee in which the Taft member presented a minority report at variance with the majority conclusion in respect to contests affecting two counties. As a result of the investigation of the contests, by a vote of twenty-eight to two, the State executive committee seated Taft delegates from four counties. Four other counties were divided between Taft and Roosevelt delegations. In nine counties the Roosevelt delegations were seated.

The temporary roll of the state convention was adopted by the state executive committee by a vote of twenty-eight to two, the twenty-eight including three Taft supporters. The convention duly assembled in accordance with the notice duly given, in the Savoy Theater, at Fort Worth, on May 28th. The temporary roll was adopted by the convention unanimously, one hundred and seventy-two votes being cast out of a possible two hundred and eleven. Delegates to the national convention were selected and instructed for Roosevelt by a vote of one hundred and sixty-two and three-fourths against thirteen and one-fourth. Thirteen of the twenty-seven counties that had previously been instructed for Taft were included in this vote, and only fourteen counties of the two hundred and eight which had legally and duly participated in the selection of delegates to the convention were absent from the State convention. In all calculations the forty-one unorganized counties are ignored.

The delegates thus elected were chosen in accordance with the terms of the call of the Republican National Committee, with the laws of the State of Texas, and the long-existing and unquestioned usages of the Republicans of the State of Texas, and presented duly drawn and executed credentials certifying these facts to the national committee.

But the votes of the Texas delegates were needed to nominate Mr. Taft, and this is the way the trick was done. At 9.30 A.M., on May 28, 1912, a group of Taft delegates, including a number of contesting delegates who had been denied seats in the State convention by votes in which Taft members of the State executive committee had concurred, met in caucus at Byer's Opera House. It was not claimed by the Taft people that more than eighty-nine people participated in this caucus. They proceeded to select delegates to the national convention, whom they instructed for Taft.

It was conceded before the national committee by the Taft contestants from Texas that the Texas State convention was ab-

solu~~tely~~ regular, and that the decision of the seventeen contests filed did not and could not possibly affect the majority of the State convention or its proceedings. The contestants based their entire claim to seats as delegates to the national convention upon the proposition that they represented the true Republican sentiment of Texas, and that the regular State Republican convention did not represent the true Republican sentiment.

They also assailed the Texas statute known as the Terrell law, which provides that every county shall have at least one vote in a State convention, and said that it was an unfair basis of representation. This contention is hardly worthy of discussion, because it is concededly not sanctioned by the law of Texas. It is clearly at variance with the Terrell law, which prescribes as a matter of law how the delegates to a party State convention shall be selected. There is no option under the Terrell law. The course adopted by the regular Republican State convention was the only course that they could have pursued legally under the Texas law. To have acted in any way other than they did would have been to expose themselves to attack upon the ground that their action was contrary to law, and therefore invalid.

The law alluded to is as follows :

“Chapter 177, Laws 1907, p. 328, Sec. 2, amending Sec. 120 of ‘An Act to regulate elections, &c.’ of the First Called Session of the 29th Legislature, Chap. 11, 1. 1905, p. 520.

“‘Each county in the State or district convention shall be entitled to one vote for each 500 votes or major fraction thereof cast for the candidates for Governor of the political party holding the convention at the last preceding primary election. In case at such primary election there were cast for such candidates for Governor less than 500 votes in any county, then all such counties shall have one vote.’”

But the Taft contesting delegates proceeded on the proposition, successfully advanced to the national committee, that no matter what the law was, it ought to be something different, and as a matter of fact it had to be something different or Mr. Taft could not have got the Texas delegates. Necessity knows no law, not even the Terrell law of the State of Texas.

So what did they do? There was the Terrell Election Law written large upon the statute book of the State of Texas. A regular convention from which the little minority of Taft men had bolted, had made up its roll in honest conformity with the law. If the bolters had observed the law, their total vote for delegates would have been contemptibly small, and would have given their case away. So they resolved to do the only other thing.

The only course open to the Taft bolters was to deny the law of their State. This they proceeded to do by a resolution of their own little committee, in which, after reciting that "the party machinery established by law and usage must yield to this great principle" (i. e., the nullification of the law of the State as to the basis of representation), they went on to say, "Nothing is politically right which is morally wrong." Then followed this statement, palpably false in view of the terms of the law above quoted: "The law leaves to the lawful machinery of the party the question of establishing a fair basis of the representation of the vote." And having thus wriggled and twisted in order to evade the plain meaning of the law, they concluded by saying "We do not think that the vote for Terrell for Governor was in any measure expressive of the Republican sentiment of this State."

There you have it. The law? Repealed by rhetoric! Embarrassing facts? Abolished by resolutions! The recorded Republican vote for Governor at the last election, defined by law as the basis of representation? It can't be denied, so disregard it! If in the opinion of a bolting minority their convention will look better if the basis of representation is one hundred instead of five hundred votes as prescribed by law, declare a preference for the smaller basis of representation and substitute it for the statute law of Texas.

Thus having stacked the deck they proceeded to deal.

When the case was presented before the national committee, the chairman, Mr. Rosewater, was quick to stop Mr. Lyon, Republican State Chairman of Texas, the moment his brief allotment of time had expired. Mr. Francis J. Heney, of California, and Senator William E. Borah, of Idaho, endeavored unsuccessfully to ask some questions, with a view of clarifying the case. Mr. Francis B. Kellogg succeeded in bringing out by a question that the interpretation of the Terrell Election Law on which the regular Republican State convention had been called, and which is above set forth, is the official interpretation, based upon an opinion of the Texas attorney-general. It was made clear that the minority members of the only committee that made a minority report on contested delegates to the State convention, remained in the State convention, recognizing its regularity, and taking part in all its proceedings. It was not contended that any possible disposition of the contests could have affected the decisive majority in favor of Roosevelt, Roosevelt delegates, and Roosevelt instructions.

Senator Borah and Governor Hadley, of Missouri, made it clear by questions they asked, that the designation of Republican

electors in the State of Texas rested upon the regularity of the state convention which had elected delegates to the national convention; that the list of Presidential electors chosen by the State convention had been filed with the Secretary of State of Texas; that the names on that list would be on the ballot at the November election, and that the law of Texas provides that only such electors can be placed upon the official ballot.

As was said by Mr. Lyon, at the close of the argument:

"We have the sworn statement of that convention from start to finish, the credentials of every county sworn to. These delegates are here. What are you going to do? Take two men who took a brass band and went down the street and gathered together a mob and took them to another place to make a State convention? Men who didn't even apply for admission, who don't have the credentials filed in their alleged convention? Are you just going to take any bunch of people walking down the street?"

As above stated, the effort of Senator Borah to have a roll-call was not sustained by the national committee, which proceeded hurriedly to a vote, to have done with the disagreeable business. Mr. Francis J. Heney, in explaining his vote, said:

"Mr. Chairman, I desire in explaining my vote to say that this is not plain stealing. This is treason to the republic. This is the most shameless proceeding I ever saw in my life, Murray Crane, and you are a party to it. Shame upon you."

Senator Borah then said:

"Mr. Chairman, I know that this committee can prevent me from saying anything if it desires to, and I am not going to run contrary to it, but I would like to say a word."

At this point he was interrupted by Mr. Mulvane, who said: "We have so much on our hands."

Senator Borah then said:

"I know we have a great deal on our hands, and we will have a great deal more after this national convention adjourns, but I do want to say—"

Here again Senator Borah was interrupted, and finding that he was not to be permitted to go on, he said:

"The motion is not debatable, I know, unless this committee consents to its debate, and I am at your mercy."

On a *viva voce* vote the regular delegates elected by the only Republican convention held in the State of Texas were unseated. and an improvised delegation, picked by an inconsiderable minority, admittedly bolters from the regular convention, with no color of representative choice or of regularity of selection or of organic relation with the Republican party of the State of Texas, but pledged to Mr. Taft, were seated in the national convention.

THE TEXAS DISTRICT CONTESTS

The national committee, having in the disposition of the case of the delegates-at-large risen superior to the restrictions of the Texas statutes embodying the election law, and having thrown off the trammels of party regularity and disregarded an unmistakable Texas majority for Roosevelt, made short work of the district contests. If you can get to the point where you have nullified a statute by a typewriter, and feel that only a bolting minority can represent the true party sentiment, it is an easy matter, as it proved, to resolve the Texas district contests in favor of Taft without any justification whatever. The following is a brief summary of the contests affecting the district delegates from Texas:

FOURTH DISTRICT.

On May 17, 1912, the congressional committee met. Contesting delegations came from two precincts which had been denied admission to the county conventions of Collin and Grayson Counties, at their respective county conventions, applied for admission as delegates to the congressional convention, claiming to be the duly accredited delegates from Grayson and Collin Counties. Their claims were denied by the congressional committee. The convention was then organized. Four out of five counties took part. Delegates were elected favorable to Roosevelt.

Later, at some other time and place, the fifth county, which was not represented in the regular convention, perhaps assisted by the contested delegates from the two precincts who were denied admission as above stated, held a separate convention. There was no bolt from the regular convention of any kind, as is attested by affidavits of every delegate present. Affidavits are also presented from every delegate to every county convention in the district, showing that in no county convention in the district was there any bolt, split, or secession at the time the conventions were held, which elected delegates to the congressional convention.

FIFTH DISTRICT.

There are five counties. The congressional committee consisted of five members. Three of these were Taft men. This committee seated Roosevelt delegates from three counties, whereupon the unseated delegates from two counties bolted and organized a rump convention. The delegates from Ellis County instructed for Taft participated in the regular convention.

SEVENTH DISTRICT.

Six out of eight counties went for Roosevelt. When the congressional executive committee was called, the congressional chairman refused to recognize four Roosevelt members of the executive committee, although they had been elected to office or appointed to fill vacancies as appointed by law. Whereupon delegates from six out of the eight counties convened in a convention and elected Roosevelt delegates.

EIGHTH DISTRICT.

Six out of the nine counties were for Roosevelt. Two of the counties which were for Taft bolted the convention and held a separate convention, their only excuse being that they could not control the regular convention.

NINTH DISTRICT.

In this district a county chairman endeavored to call a congressional convention, although a regularly called convention summoned by the congressional chairman was held. The regular congressional convention was held at Yoakum, and was participated in by the majority of the county delegates in the district, and a majority of the congressional executive committee recognized this convention as regular.

TENTH DISTRICT.

In this district there are eight counties. The delegates from two and a half counties bolted from the congressional convention under the leadership of the United States internal revenue collector, "What-are-we-here-for?" Flannigan, and the postmaster of Austin. This rump convention elected as one delegate a man who had refused to bolt and was the regular congressional chairman of the district. Nor did the member of the state committee—a Taft man—bolt from the regular convention.

FOURTEENTH DISTRICT.

Of the fourteen counties that met in convention, there was

only one contest, Bear County. The congressional executive committee, being one man from each county, seated both Roosevelt and Taft delegates, and gave them half a vote each. The Taft delegation, and two other counties out of the fourteen, bolted and elected contesting delegations.

With practically unvarying vote, the steam-rolling majority of the national committee decided all of the foregoing contests in favor of the Taft delegates. The result, after the national committee finished its work, was that Taft had twenty-eight of the Texas delegates and Roosevelt had twelve.

It is interesting to recall, in view of the theory of the Taft contests in Texas, that the Taft delegates represented the republican sentiment of the state, what the editor of the *Houston (Texas) Daily Post* said, as recently as July 28th, and quoted above:

“Were Theodore Roosevelt in Texas and facing a presidential primary, he would doubtless carry the state as far as republicanism is concerned, even the Taft republicans will acknowledge.”

WASHINGTON CONTEST

In Washington no method is prescribed by law for choosing delegates to the state convention, but a wide discretion is given to the state and county party committees in that respect. The state committee has made no rule and provided no method for choosing such delegates, but has left the manner of selecting delegates from each county to the county party committee in each county.

This year the county committees in the principal counties of the State—such as Spokane, Pierce, King, and Whatcom—duly adopted resolutions providing for the choosing of delegates in these counties by the people at primary elections. Such elections were duly held, and full Roosevelt delegations were chosen. In Spokane the Republican primaries were a landslide for Colonel Roosevelt. The *Spokesman-Review* of May 3d, commenting upon the Spokane primary, said:

“The victory of the Roosevelt forces was so overwhelming that it was even beyond the most extravagant claims or hopes of the local managers of the Roosevelt campaign. Before the primaries the Roosevelt leaders were claiming the city two to one for Roosevelt, and added that they would not be surprised if it went three to one. The result shows

that on delegates it went better than eight to one for Roosevelt. Coupled with this, the outlying towns went six to one for Roosevelt, while the rural precincts went better than seven to one. The primary vote was one of the heaviest in the city's history."

And commenting editorially on the primary election, the *Spokesman-Review* on May 4th said:

"At the Republican primaries Thursday every voter was given the opportunity to express his preference for President. The Republicans of Spokane County, by the manner in which the primaries were conducted, have placed themselves in the front rank of the great army of progress. There will be no talk of jobbery or back room politics in connection with the Spokane primaries. The issue was put squarely up to the people, the people spoke, and the majority rules."

The number of delegates to the State convention was 668. Of this number, 263 uncontested delegates favorable to Roosevelt and 97 uncontested delegates favorable to Taft were chosen. In twelve counties having 304 delegates there were contests. In order to get a majority in the State convention, the Taft men had to secure not less than 238 of the 304 contested delegates. One of the contested counties alone, King County, in which the city of Seattle is situated, had 121 delegates. There a primary election had been held, at which the popular vote in favor of Roosevelt had been about eight times the vote for Taft. Nevertheless, it was indispensable for the Taft forces to have the King County contest decided in favor of Taft, because if the 121 Roosevelt delegates from King County were seated, these delegates added to the 263 uncontested Roosevelt delegates would give the Roosevelt men 384 out of the 668 delegates to the State convention—a safe majority.

The facts in regard to the King County contest are these: The county committee, as previously stated, under the law could itself name delegates to the State convention, or could call a convention to choose delegates. The law, however, gave this power to the county committee, and not to any minority thereof. The King County committee is a large body of about three hundred members. In 1910, for the purpose of facilitating the conduct of the campaign, the full committee appointed a sub-committee of twenty-two men to act as an executive committee. With the close of the 1910 campaign this sub-committee's duties were at an end. A majority of the men who composed this sub-committee this year favored the nomination of Taft. A meeting of the full King County committee to decide upon the action to be taken with reference to the selection of delegates to the State convention was called on April 13, at 2 P.M. In advance of

the meeting the Taft leaders—Ballinger, Scott, Calhoun, and others—tried to influence the Roosevelt leaders to allow the naming of Taft delegates by offering to pay the debts of the committee which were either due to the Roosevelt leaders or for which they were liable, upon the condition that Taft delegates to the State convention should be named. This attempt at corruption failed, and the county committee at this meeting called a county convention to choose delegates to the State convention, and ordered a primary election to be held on April 27 for the election of delegates to the county convention. The county committee also by vote put an end to the existence of the sub-committee previously mentioned. Immediately after the close of the meeting of the county committee twelve Taft men who were members of the defunct sub-committee, without notice to the other members, met and named one hundred and twenty-one Taft men, including such well-known reactionaries as R. A. Ballinger and former Senator J. L. Wilson and Samuel H. Piles, as delegates to the State convention. The King County contest was between one hundred and twenty-one Roosevelt delegates chosen in pursuance of the popular election which gave an overwhelming majority in favor of Roosevelt and the one hundred and twenty-one delegates named by twelve members of a committee of three hundred. Two things are plain. First, there was a primary election in King County at which the wish of the Republican voters was expressed. Secondly, even if the people had no right to have their wish respected, and if the Roosevelt delegates were not entitled to sit in the State convention, the Taft delegates, arbitrarily hand-picked by an insignificant fraction of the county committee, had no shadow of right to credentials.

The only way by which the Taft machine could control the State convention was by controlling the decision of the contests. This could not safely be left to the action of the convention, as had always been done in Washington before, because the Roosevelt men could control the convention. A method was therefore devised to meet the requirements of the situation by the action of the State committee, which was for Taft. On May 2 the chairman of the State committee, B. W. Coiner, a candidate for the vacant office of United States Attorney for the Western District of Washington, called a meeting of the State committee at Aberdeen on May 14, the day before the meeting of the State convention, for the purpose of passing on the credentials of the delegates to that convention. The call stated that this procedure was pursuant not to the custom of the Republican party in the State of Washington, but “to the rules and customs of the

national organization of the Republican party." This action of the State committee was pure usurpation. It had no warrant in the customs or assent of the Republican party in the State of Washington, and no justification under the law. The statute only gives the committee power to call conventions, not to organize conventions. On the night before the meeting of the State committee twenty-one of the thirty-nine committeemen met in caucus and resolved to vote as a unit for the seating of a sufficient number of Taft delegates to control the convention without regard to the merit of the contests. A number of the committeemen present at the caucus boasted openly of this arrangement. At the meeting of the State committee on the following day all the contests except those in Pierce and Clallam Counties were decided in favor of Taft. The right of the Roosevelt delegates—sixty-nine in number—from Pierce and Clallam Counties, where primaries had been held, was so clear that the committee ruled in their favor, there being no pretext whatever for ruling against them. On the basis of the State committee's ruling, the Roosevelt men with the 69 delegates from Pierce and Clallam Counties added to their 263 uncontested delegates had 332 of the total 688 delegates, and the Taft men had 336 delegates, including the 121 hand-picked delegates from King County.

In order to bolt and rivet down their control of the convention the State committee, at the meeting on May 14, took additional precautions. They adopted a set of rules which were hurriedly read once, placing the temporary organization of the convention entirely in the hands of the chairman of the State Central Committee, and provided that no delegate should be admitted to the State convention without a ticket signed by the chairman of the State committee. At no previous Republican convention in the history of the State of Washington had delegates ever before been required to obtain tickets for admission to a convention. The rules were not printed, and the committeemen generally had no opportunity to examine or to understand them, and no Roosevelt member of the committee was able to secure a copy of the rules or to see them.

The State convention was called to meet at 10 A.M. on May 15. Efforts were made, beginning on the 14th of May, by the Roosevelt and Taft contingents to reach a harmonious understanding as to the organization of the convention, and as to the disposition of the contests by the convention itself. A steering committee was appointed by each side, and the two steering committees had full powers to negotiate from all the delegates whom they respectively represented. The situation was dangerous.

The governor of the state was aroused from his sleep at one o'clock in the morning of May 14 with an appeal to come to Aberdeen and try to restore order. He left his home in Olympia at five o'clock by automobile, and after a hurried trip to Aberdeen, immediately appeared before the committee and said, with solemn warning:

"The people demand fairness and justice, and an expression of their wish is your duty. Personally I am for Taft, but if the majority of the people feel that they prefer another man, it is your duty as a committee to carry out the wishes of the people."

On the morning of the 15th an agreement was reached between the two steering committees that contests where the merits were plain should be decided by the convention on their merits, and in cases of doubt both contesting delegations should be seated with a half vote for each delegate. In order to secure time to submit this agreement for ratification, it was agreed that the time for the meeting of the convention should be postponed from ten o'clock until one. Chairman Coiner himself promised to post a notice of the postponement on the door of the convention hall. A little after ten o'clock the Roosevelt delegates assembled in caucus, were informed that in violation of this agreement the Taft delegates had gone into the hall, had organized themselves, and were acting as a convention. Thereupon the Roosevelt delegates immediately went to the convention hall. None of them had tickets of admission; only a few knew that tickets were required, and it was not possible for any of them to ascertain where tickets could be obtained. When they reached the convention hall they found that the main door was guarded by police; that all the other doors were locked, the fire-escapes had been removed, and the windows barred. Many uncontested Roosevelt delegates offered their credentials and asked to be admitted, but were refused admission because they had no tickets. On inquiry they were unable to learn where they could get tickets, and when they persisted in the attempt to go into the hall they were forcibly prevented and driven back to the street. The Roosevelt delegates then met in another hall, organized themselves as a convention and elected delegates to the national convention.

In the Taft convention there were present four hundred and one men, of whom only 97 were uncontested delegates, and three hundred and four contested. In the total number present there were included 69 delegates from Pierce and Clallam Counties, who the Taft State Committee itself had decided were not entitled to credentials, and also 121 delegates from King County, who upon the undisputed facts had no legal claim whatever to

seats in the convention. The roll of the Taft convention recited the presence of six delegates from Ferry County, although Richard Pierce, of Ferry County, with all the proxies from his county, went immediately to the Roosevelt convention on reaching Aberdeen, and took no part in the Taft convention. The roll of the latter convention also purported to include six delegates from Franklin County, although this delegation announced to the Taft convention that it had come to the conclusion that the Taft convention was not a representative Republican convention, and that the Franklin County delegation would withdraw, which it did. Thus, deducting the 69 delegates from Pierce and Clallam Counties, which the Taft Committee had held to be without legal standing as delegates, and the twelve delegates from Ferry and Franklin Counties, it would reduce the number of delegates, waiving all questions of contest, in attendance at the Taft convention to three hundred and twenty.

In the Roosevelt convention there were 561 men in attendance, of whom 263 were uncontested delegates. In addition to the latter there were 69 delegates from Pierce and Clallam Counties who had been seated by the Taft State committee the day previous, and declared to be the legally elected delegates from those counties, thus making 332 delegates whose rights had been recognized by the Taft State committee. In addition there were 121 delegates bearing the mandate of the voters of King County, and the 12 delegates from Franklin and Ferry Counties.

It will thus be seen that the uncontested delegates at the Roosevelt convention were a clear majority of the total number constituting the membership of the State convention, and clearly outnumbered the delegates in attendance at the Taft convention for whom any pretense of legality could be urged. There were only 401 men in attendance all told at the Taft convention, and to establish the above assertion it is only necessary to deduct from that number the 69 delegates from Pierce and Clallam Counties whom the State committee itself had held to be without legal claim to sit as delegates, and the 12 delegates from Ferry and Franklin Counties, who were untruthfully recited as participating in the Taft convention.

As a further sidelight upon the so-called Taft convention, it only remains to refer to the statement of James A. Ford, special staff representative of the "*Spokesman-Review*," of Spokane, who attended the convention at Aberdeen, and publishes in his paper under his signature an account of the following conversation:

"Last Monday afternoon, the day before the meeting of the Republican State Central Committee, while on the train for Aberdeen, four

of us were discussing the coming meeting of the committee, and what it would probably do.

"The other three members of the party were Senator W. H. Paulhamus, of Sumner; J. E. Lease, a member of the State committee from Centralia, and Judge George Dysart, of Lewis County, who it subsequently developed was to vote two proxies in the committee, of which he was not a member.

"Senator Paulhamus expressed the belief that the committee would be fair and that the machine politicians would not be able to line up a majority for their candidate. Lease said nothing. Dysart offered no comment, until I answered Paulhamus with the words, 'I doubt it, Senator.'

"Dysart immediately agreed to this statement. 'You are right,' said Dysart. 'They are going to seat the Taft delegates. I was just talking over the telephone to Sam Perkins, and he told me the Taft delegation from Pierce County was to be seated.'

The *Spokesman-Review*, in its issue of May 18, remarks editorially:

"It is evident from the tenor of the feeling prevalent over the high-handedness of the Washington Republican committee that the mass of Republicans are not going to sit supinely and allow the practical burglary of its delegation to be consummated before the Republican National Committee."

It appears, however, that they reckoned with undue confidence upon the national committee righting the wrongs of the Washington State convention. A few days after the National Republican Committee had brushed aside the abundant and overwhelming proofs of the facts above stated, and had seated the fraudulent delegation from Washington, the *Spokesman-Review* ceased its advocacy of Mr. Taft's reelection, repudiated the nominees of the Chicago convention, and announced on its editorial page, in its issue of June 23, that henceforth it was "enlisted under the Roosevelt banner."

The following press despatch, appearing in a New York paper, is a significant postscript to the Washington contest:

"WASHINGTON, July 24.—Senator Poindexter to-day announced he would oppose confirmation of Beverley W. Coiner, of Tacoma, nominated yesterday by President Taft to be United States attorney for the western district of Washington.

"Senator Poindexter has received telegrams from Roosevelt leaders in Washington urging him to fight the appointment. One of these telegrams said:

"'President Taft's nomination of Beverley Coiner as United States district attorney here adds insult to the injury done to the people of this state when Coiner engineered the stealing of our delegates. The appointment is explainable only as a reward for the theft, and the progressive republicans of Washington urge you to resist its confirmation.'

THE ARIZONA CONTEST

The call by the State committee for a State convention to be held at Tucson, on June 3, 1912, to select six delegates to the Chicago convention, prescribed three methods of choosing county delegates to the State convention:

1. The selection by the county committee.
2. That the county committee might provide for a primary at which delegates were to be selected to a county convention, which in turn should select the delegates to the State convention.
3. The selection by direct primaries of the delegates to the State convention.

The choice of methods was left with each county for itself.

The State call provided that the county committees should meet on the 15th day of May, severally to determine what method they would adopt; if by appointment by the committee, appointment would be made at a meeting of the committee to be held on May 25; if the selection was to be by primaries, the primaries would be held on the 25th.

For a quarter of a century it had been the custom and rule of the Republicans of Maricopa County to select their delegates by primaries. On the 15th of May, the county committee of Maricopa County met, and the credentials committee duly appointed, threw out all proxies offered by both sides, for the reason that some were disputed, others conflicting, and at least one had got into hands to which it was not directed.

The committee meeting was therefore confined to those committeemen actually present, who by a vote of twenty-two to nineteen, ordered primaries to be held, appointed a committee to arrange therefor, and then adjourned. The votes were all by roll-call, and all of the minority voted, including the vote on the motion to adjourn. So just was this action of the committee in calling primaries, that two members of the committee favorable to Taft, joined with the Roosevelt forces, in voting for the primaries.

Even if the proxies above referred to had been allowed, the Roosevelt forces would still have controlled sufficient votes to have obtained primaries. If it be claimed that the credentials committee should have allowed proxies, the only result of their action, even if a technical error, was to order public primaries, and thereby give the people an opportunity to express their Presidential preference. No one was injured by this action, and no person was deprived of any right. The Roosevelt men fought for popular primaries, and the Taft men fought to prevent them.

The primary elections thus ordered were conducted with the

greatest care and regularity by election officers of the highest standing in the community, and resulted in a vote of nine hundred and fifty-one for Roosevelt to eleven for Taft. Despite the efforts of the Taft people to prevent voters from attending the primaries, the total vote was eighty per cent of the maximum vote ever cast in the county at a Republican primary election. This primary resulted in the election of twenty delegates to the State convention called to meet at Tucson on June 3, instructed for Theodore Roosevelt.

The alleged Taft delegates from Maricopa County were picked in a closed room, at a meeting of a minority of the county committee. That this so-called committee meeting, which hand-picked the Taft delegates, had not a quorum, was conclusively proved before the national committee to whom there was presented a signed statement of thirty members of the county committee, a decisive majority, that they did not attend the so-called committee meeting that selected the Taft delegates, either in person or by proxy.

In Cochise County the facts are:

The county committee met on the 15th day of May, with sixty-nine members out of a total membership of eighty, present either in person or by proxy, making a quorum, of which thirty-three Roosevelt members were present in person and thirteen Roosevelt members were present by proxy, an absolute and legal majority of the committee, and also nine Taft members in person, holding fourteen Taft proxies. The chairman and secretary, Taft men, after the meeting had been legally opened, bolted, taking with them seven Taft committeemen and fourteen proxies. The remaining committeemen then went on with the meeting in regular order, electing a chairman and secretary, having a clear majority present in person or by proxy, and resolved that delegates be selected to the State convention at a meeting to be held on the 25th of May, as they were authorized to do by the call for the State convention. At the meeting held on the 25th of May, forty-seven members of the committee were present, in person or by proxy, being more than a majority of the membership of the committee, who unanimously elected sixteen Roosevelt delegates to the State convention. The Taft minority committeemen who bolted the first meeting did not attend the second meeting of the committee, and whatever they did in the way of selecting delegates was clearly illegal.

The executive committee of the State Central Committee was completely dominated by Taft officeholders. Shortly before the State convention met, this executive committee gave notice that it would meet on the 1st of June (the convention to meet on

the 3rd of June); that credentials should be filed with it, and that it would determine contests for the purpose of preparing a roll-call for use in effecting the temporary organization of the State convention. This was unprecedented, and wholly beyond the authority and powers of the committee. The Roosevelt delegates, of course, refused to submit the question of the regularity and fact of their selection to a tribunal which tried to usurp the power to pass upon that question, and which unquestionably was pledged in advance to Taft.

The State committee never before had assumed this power. At the only other time within twenty years that the question arose, the committee expressly refused to hear or determine contests for any purpose, and by resolution remitted the question of the right to seats in the convention, for the purpose of temporary organization, or otherwise, to the convention itself. This was in 1896, and a convention then composed of both contested and uncontested delegates unanimously ratified the action of the State committee. When the chairman of the State committee called the convention to order, on June 3rd, he proceeded to read a roll of those whom the committee had determined should take part in the temporary organization, disqualifying the twenty Roosevelt elected delegates from Maricopa County, and seating the Taft delegates, appointed by a minority of the Maricopa County convention, and giving a half a vote each to the Roosevelt and Taft delegates from Cochise County, and thus attempted to secure control of the State convention. The Roosevelt delegates naturally refused to submit to this action, and the State convention split into two factions, each faction holding conventions simultaneously in the same hall, with their presiding officers on the same platform, and electing their own national delegates. The total membership in the State convention was ninety-six, of which forty-nine was a majority. There were present fifty-four delegates favoring Roosevelt, who were regularly and legally elected, it having been conclusively proven that the Taft delegation from Maricopa and Cochise counties were illegal.

In view of the foregoing facts no fair-minded man can question the absolute justice and legal regularity of the six Roosevelt delegates to the national convention who were elected by the legal majority of the Arizona State Convention.

FIFTH CONGRESSIONAL DISTRICT OF LOUISIANA

He who runs may read the story of fraud and dishonesty in the disposition of this contest. There is no mist of controverted fact about it, no indirection, no plausible assignment of grounds for the contest.

A delegate duly elected at a regular district convention subsequently refused to pledge himself to vote for Mr. Taft in the national convention. Thereupon the Taft managers held another so-called convention, admittedly without notice, without pretense of observing due form or legality, and elected a delegate who would vote for Mr. Taft. At the regular convention two delegates had been elected, but only the delegate who had refused to sign a written pledge to vote for Mr. Taft was assailed by the subsequent hocus-pocus called a convention, and he alone, of the two elected at the regular convention, was replaced by a delegate who would "vote right."

The regular convention for the election of two delegates and their alternates from the Fifth Congressional District of Louisiana was called to meet at Vidalia on April 29, 1912. At this convention Mr. W. T. Insley and Mr. S. W. Green were elected delegates to the national convention. It was conceded that the convention was held upon due and published notice; that credentials in due form certifying their election were issued to these men, signed by the chairman and secretary of the convention. It was also admitted that the election of these delegates was conceded to be regular, and their standing as delegates was recognized by C. S. Hebert, the Collector of Customs of Louisiana, and the Taft campaign manager for that State. On May 6th, a week after the regular convention, Mr. Hebert forwarded letters to be signed by Delegate Green and his alternate, Mr. J. W. Cooke, and then returned to him. The letters were in the following form:

"MR. C. S. HEBERT,
Taft Campaign Manager of Louisiana,
New Orleans, La.

DEAR SIR:

"As one of the delegates from the Fifth Congressional District of Louisiana to the Republican National Convention at Chicago, I beg to say that I will vote for the nomination of President Taft, and with the entire Louisiana delegation as a unit."

Delegate Green refused to sign this pledge, and then for the first time it was "discovered" that there had been a state of in-

undation prevailing in the region of Vidalia at the time of the convention, and although the convention had been generally attended by the delegates elected thereto and entitled to participate in it, it was decided that another convention should be called, not, however, for the purpose of electing a *set* of delegates in place of those elected at the regular convention, but only a delegate in place of Mr. Green, who had refused to pledge himself to Mr. Taft. Accordingly a convention was called, so it was alleged, to meet at Monroe on May 15. The prime mover in this second convention was the aforesaid Mr. Hebert, Mr. Taft's campaign manager, and Collector of Customs at New Orleans. No notice of the second convention was published. Mr. Greene, the contesting delegate, offered to withdraw his contest if any proof whatever was submitted to the national committee that any notice whatever had been published of the second convention held at Monroe.

It was further proved that Mr. Hebert, although recognizing the result of the regular convention to the extent of asking pledges in favor of Mr. Taft from the two delegates there elected, and although he had written the credentials for the regular convention, was the instigator and controlling hand in the second convention.

It doesn't appear that anybody attended the second convention; in fact, its origin, proceedings and attendance are all rather mythical. The only thing that is quite specific about it is that it certified that the election of Mr. F. H. Cooke as a delegate in place of Mr. Green, who refused the Taft pledge, but it also appears uncontroverted that Mr. Cooke had attended the first and regular convention, and had participated in that convention.

Hon. Frank B. Kellogg, in questioning Mr. Cooke before the national committee, said: "How many were there in your convention?" Mr. Cooke replied, "I don't know." Mr. Kellogg then said, "You don't know? It is perfectly evident the other convention was the regular convention."

This was apparent to every one who heard the evidence. It was time to shut off discussion and get the voting done with. National Committeeman Kellogg asked for a roll-call. The request was not sustained by twenty members of the committee. Mr. Chubb then moved that Mr. F. H. Cooke be seated in place of Delegate Green, who refused to pledge to Mr. Taft. The ayes had it. It was so ordered.

The farcical court then called the next case.

NINTH CONGRESSIONAL DISTRICT OF ALABAMA

The Roosevelt delegates were undoubtedly regularly elected. On this contest Hon. Frank B. Kellogg, of Minnesota, a member of the national committee, said, at the announcement of the vote to seat the Taft delegates:

“The Ninth District of Alabama was a legitimate contest. The presentation almost showed plain stealing on the part of the committee.”

This severe characterization of the committee's action by Mr. Kellogg is abundantly justified by the facts in this case.

The Roosevelt delegates and alternates were elected by a convention held on a call made by the regular Republican District Committee of the Ninth Congressional District of Alabama, the regularity of which committee has not been questioned since its election by the Republican district convention on July 11, 1910. The district committee held a regular session in the city of Birmingham on February 15, 1912, in which two Taft delegates awarded seats in the national convention were present in person and participated. The total membership of the district committee was twenty-nine, not including the chairman and secretary. There were present, answering to the roll-call, twenty-six members of the committee in person, and two by proxy, making twenty-eight members in all, not including the chairman and secretary.

Hardly had the proceedings of the committee been opened when ex-U. S. Judge Oscar R. Hundley, who had obtained the floor by recognition of the chairman, was interrupted by John McEniry, a member of the committee, who being reminded that Judge Hundley had the floor, and that the chair would not recognize another speaker until Judge Hundley had relinquished the floor, abruptly announced, “Then we will leave you.” Thereupon twelve members of the committee, including Mr. McEniry, left the committee and held a separate session in the rear of the same hall.

The eighteen members of the committee who remained were a majority of the whole committee, and a quorum thereof. They proceeded in an orderly manner to transact the business before the committee, which included the permanent organization of the committee, and the issuance of a call for the district convention for the purpose of electing delegates and alternates to the Republican national convention. After the proceedings which were stenographically taken were transcribed, they were

signed in due and proper form by the chairman and secretary. A majority of the committee then elected delegates and alternates in due and proper form, and prepared a temporary roll for said district convention, and on such roll-call there were resignations and appointments made to fill vacancies. The resignations were all made in due form, and the appointments were all made by the chairman, under authority conferred upon him by the Republican district committee of the Ninth Congressional District of Alabama, on July 11, 1910, and also by the Republican District Executive Committee on June 22, 1911.

On motion duly seconded and unanimously carried, the convention thus called, duly elected Oscar R. Hundley and George R. Lewis as delegates to the Republican national convention from the Ninth Congressional District of Alabama. These delegates were unseated by the national committee in favor of Taft delegates, who were elected at an irregular convention called by the minority of the Republican District Committee, which bolted from the meeting of the full district committee held at Birmingham as above described. These Taft delegates came to Chicago clothed with typewritten certificates, testimonials, credentials, attestations, etc., but not enough to conceal the fact that they derived their election from a convention called by a bolting minority of the district committee, and had not a color of right to recognition as delegates by the national committee.

The vote of the national committee was thirty-eight for seating the Taft delegates and fifteen for seating the Roosevelt delegates. Mr. Frank Lowden, of Illinois, and Mr. Victor Rosewater, the chairman of the national committee, broke away from their Taft associates in the national committee, and in this case voted with the Roosevelt men.

There is no occasion to add to the characterization of this case by Hon. Frank B. Kellogg as "plain stealing."

FIRST CONGRESSIONAL DISTRICT OF ARKANSAS

The First Congressional District of Arkansas comprises the counties of Clay, Greene, Craighead, Mississippi, Crittenden, Cross, Poinsett, St. Francis, Lee, Phillips, and Woodruff. These counties lie in the eastern part of Arkansas, extending along the Mississippi River almost two-thirds of the distance from the extreme northern boundary of the State to its southern boundary. Owing to the large number of negroes residing in this district, it is commonly referred to as the "Black Belt" of Arkansas. At least seventy-five per cent of the Republicans residing in this district are negroes.

Nowhere is the variety of expedients resorted to by the Taft machine men to frustrate a true expression of the voters, and by hook or crook obtain a choice of delegates favorable to his candidacy, more simply and at the same time more strikingly shown than in this district.

The Congressional committee of the district, composed almost wholly of postmasters and Federal officeholders, and in charge of the Republican machinery, called a convention to meet at the town of Paragould. This town is in the extreme northern part of the district, near the Missouri line, and is notorious in the South for a bloody intimidation practised upon the negro, which has continued for many years. No negro is allowed within the town limits. Signs are posted in conspicuous places warning them not to tarry, under penalty of violence. It is as much as a negro's life is worth to venture within the town of Paragould, and of course the delegates to the Congressional convention, consisting, owing to the nature of the population of the district, of a large percentage of negroes, were by the simple process of appointing the convention to be held in such a town as Paragould, excluded from attendance at the convention and participation in its action.

The barefaced character of this disfranchisement of Republican electors is made more manifest by a glance at the map of the district which shows that there are far more important towns in the district, centrally located, such as the city of Helena, easily accessible by rail, and where the negro delegate might come without danger to his life.

The illegal delegates elected in the Taft interest from the First Arkansas district were seated, notwithstanding these glaring and admitted facts.

THE 13th INDIANA CONGRESSIONAL DISTRICT

The district convention met at Warsaw, Indiana, on April 2, 1912. The membership of the convention consisted of 142 delegates, which was the number in attendance. A. G. Graham, of South Bend, a Taft man, and Aaron Jones, a Roosevelt man, were nominated for permanent chairman of the convention. Graham was elected by a vote of $71\frac{1}{4}$. Jones received $70\frac{3}{4}$ votes. This vote, however, did not represent the relative strength of the Taft and Roosevelt forces in the convention, as was soon apparent when the chairman called for nominations by counties of members of the various convention committees. The votes were announced as they had been announced on the election of chairman, and immediately great confusion resulted, the chairmen of the various county delegations demanding that their delegations be polled and the chairman of the convention, Mr. Graham, steadfastly refusing these demands.

In this state of confusion, the chairman, with the aid of a few men who stood close to him, proceeded to railroad through the election of delegates to the national convention. Without any audible nominations or roll call, and without any intimation to the general body of the convention as to what was taking place, suddenly Mr. Graham, the chairman, and his secretary abandoned the stage and, announcing that the proceedings were concluded, left the convention hall. A quorum of the delegates remained on the floor of the convention hall and then proceeded in an orderly manner to nominate and elect delegates to the national convention. The delegates thus elected were F. W. Kellar and P. R. Judkins.

There were offered to the national committee, in support of their claims as delegates, affidavits made by a majority of the entire body of delegates constituting the district convention, to the effect that they were present at the convention and voted for Mr. Kellar and Mr. Judkins as delegates to the national convention. Three additional affidavits were offered on the part of other delegates to the district convention, who swore that they had not voted for Mr. Fox and Mr. Studebaker, who were certified by the officers of the district convention to have been elected.

The affidavits further stated that the chairman of the district convention, without a call of the roll and in the midst of confusion, declared that Mr. Fox and Mr. Studebaker had been elected, although they had not been either nominated or voted upon.

The affidavits thus offered were conclusive proof that the results certified to the national committee could not have been duly reached. The affidavits were incapable of being controverted, being made by a majority of the whole number of delegates constituting the membership of the district convention. The possibility of answer was excluded. When the affidavits were offered to the national committee a spirited debate ensued as to their admissibility, which is illuminating as to the attitude of the national committee. Mr. Francis B. Kellogg, in the course of the debate, said :

“Mr. Chairman, I hope this committee will receive these affidavits. I have never served on this committee but twice. I hope I won't serve again in the contests that come before the committee. I have no recollection of this committee ever enforcing that rule before. We certainly, since we have been sitting here last week, have received affidavits. We have received *ex parte* statements. We have received newspaper clippings, and we have received statements from outside parties here, no notice of which was given to the other side, nor copies, nor any information given to the other side, over and over again.”

Later Mr. Kellogg said, in the course of the debate :

“It does seem as though this committee ought to arrive at these facts and give the other side time to rebut them if they can, but don't shut out those affidavits because they were not given to the other side when we have not required it in any other case.”

Senator William E. Borah read from the affidavits under discussion, as follows :

“Chairman Graham remained on the platform for a short time thereafter, and while he so remained no audible report was made by any counties of rulings on credentials, no nominations for delegates, or alternates to the republican convention from said district were made that were in any way audible to the delegates on the floor of the convention and none such were voted upon by any at the said convention.”

Senator Borah then said :

“Now, Mr. President, I have very great respect for the veteran member from Arkansas, and I do not wish to say what I say in invidious criticism of what he has just said, but, Mr. President, I am one of those who believe that we ought to look beyond the convenience of the men who sit at these tables and to make as nearly as we can a record which no one will have a right to challenge in the convention, and certainly which cannot be carried into the open arena between now and the ninth of November to work to the detriment of whoever that nominee may be.

“Talking plainly to the majority of this committee, I have no doubt that the majority of this committee are in favor of the nomination of

Mr. Taft for President, and if that be true, they are far more concerned in having the world know that he was nominated by men who had not been fraudulently elected to this convention than the men who will be defeated in the coming convention.

"There is no one so thoroughly concerned in the success of this committee and in its ability to make its report stand criticism as those who are in the majority of this committee and who claim to be in the majority of the coming convention. Every one here knows what my alliances are so far as the conditions before this convention are concerned, but I believe that you feel, if you will stop to think, just as I feel that these questions rise above the rights of any individual, and are higher than the call of any man for the honor which is to be conferred by that convention.

"The question which we will have to meet from the time the convention closes until the day in November rolls around is whether or not the nominee of this convention received it at the hands of honestly elected delegates or of delegates who had been seated in contravention to the instruction of the masses of the people who sent them there. We may hark back to precedents and call attention to things which have happened in the days which have gone by in a justification of what is to transpire here in this committee, but we must bear in mind that we are meeting in the convention of 1912 under conditions that we have never met before in any convention, and surrounded by environments which have never surrounded any other political convention; it is in the air that the contest from the time the convention closes until the votes are counted in November will be the most severe and the most difficult to take care of by reason of the conditions in the country at this time of any contest which has happened since Lincoln was elected the second time as President of the United States.

"What is the use to go into the country and to the country with a questionable convention? Time? We had better sit here until the dawn to-morrow morning and the next morning, and the next, in order that we may present a credentials committee's report which will not be subject to attack, than that we cut out proof here which is *conclusive* as it is now, that the certificate which has been issued was issued to the wrong party. We can afford to inconvenience ourselves, and we should inconvenience ourselves rather than to permit ourselves out of the mere question of time to do that which will be criticized: If the men who meet in the convention next week are supposed to be the representatives of the masses of the people, that convention will start out on the campaign, with the battle very fairly won from the beginning. If they are believed to be not the representatives of the masses of the people, you will find that the fight will never calm. Look at the returns from the states where you have had primaries the last few months. You know as well as I know that we have not had anything like it in our political history. The common people of this country have come to the conclusion that they have been indifferent as to their rights. They have come to the conclusion that it devolves upon them to be active and to take care of those things, and they are going to do so; and we are here to see, above all things, that those whom the people elected are placed in the convention, so that the people will believe, although the majority is against, perhaps, their candidate, that nevertheless a fair fight was had, and that the majority should rule.

"Let us accept these affidavits and give these men opportunity to defend them. What could be fairer? What could be more just or reasonable? Will you go to your constituents, or what reason will you

give to your constituents why you could not sit a few hours to know the truth where fraud was charged in the convention? When you are on the rostrum and hundreds of people are listening to the reason why you voted for your candidate, what will you say to them when they say to you that he was nominated by fraudulent effort to defeat the majority? We have got to answer these things. When we get away from here, when we leave the committee-room, when we leave the convention hall, we will go to another forum. There there will be no discussion of the question of time. There there will be no discussion of the question of convenience. Those matters will not enter into it. They will simply say to you that in our opinion the majority of the voters were for the nomination of a certain man, and the national committee interfered and defeated the will of the people. And if you do not make your record so clear and so strong that that charge will fall, you will have to meet it from the beginning to the close of the campaign. Therefore, if you expect to win here and expect to win there, make your record so that it cannot be attacked. I appeal to you, not as the representative of Colonel Roosevelt, though I am for his nomination, I appeal to you as the representatives of millions of American voters who constitute the rank and file of the party and in whom you have got to rely in the coming fight in order to sustain you upon the day of election."

Mr. Kellogg made the point that affidavits such as were sought to be excluded had been received in a prior Arkansas case, which was admitted.

Colonel H. S. New, of Indiana, and Mr. Archie Stevenson, of Colorado, led the debate in opposition to the admission of the affidavits.

Notwithstanding the high value of the proof contained in the affidavits and the conclusive bearing of such evidence upon the pending contests, on a motion duly made and carried by the unvarying Taft majority of the national committee, the affidavits were excluded.

Mr. Horace Stilwell, of Indiana, who presented the contests, thereupon said :

"Gentlemen and chairman of this committee, I have no better case. I can conceive of no better case in the face of a convention dominated absolutely by the chairman of that convention with such confusion that it was absolutely impossible for any one in the convention ten feet from the chair to recognize what he was doing. We seek to bring you a clear statement from affidavits of a majority of the delegates in the convention who swear that they voted for our candidates for delegates to this convention. You exclude that evidence, you take us out of court. We have no other evidence except that. We relied on that, it is a conclusive test. And I want to say now I am going to leave this committee-room, I had hoped that I would be able at this time to apologize for my opening remarks—that this was not a steam-roller. I want to say that I have nothing to apologize for."

After some further discussion there were some conferences between the members of the majority faction of the committee,

and it was then moved that, notwithstanding the action of the committee already taken on the admission of the affidavits, they should be received, although with the qualification that their reception should not constitute a binding precedent upon the committee. Thereupon the committee rescinded its prior action excluding the affidavits, and ordered that they be received, and the contest coming to a vote, the steam-roller mustered its usual strength of 36 votes, against 16 votes cast in behalf of the contesting delegation from the 13th Indiana district.

The significance of the committee's action in reversing itself on the admission of the affidavits was simply that they decided, after a little reflection, that it would look better to admit the affidavits, and then ignore their contents. As a matter of fact, with the affidavits a part of the record, the committee decided in favor of delegates whose election was conclusively shown to have been an impossibility, by the records before the committee.

INDIANA DELEGATES-AT-LARGE

The Indiana State Committee called a State convention to meet in Indianapolis on March 26, 1912, for the election of delegates-at-large. Thereafter the several counties proceeded to elect delegates to the State convention upon the basis of representation fixed by the State committee. Thereafter the State committee called the delegates of the various districts to meet in district conventions for the purpose of electing a member for each district on the various convention committees, including a credentials committee. These meetings of the delegates by districts were called for March 25, at 7.30 o'clock P.M., the night prior to the assembling of the delegates in State convention. At 9.30 P.M. certain men who had been elected by some but not all of the district conventions as members of the credentials committee got together and proceeded to organize the credentials committee. At this meeting only eight persons elected to the credentials committee were present. The full membership of the credentials committee was thirteen. The reason for the five absentees was that the district conventions had not completed their work, and in five of the districts elections had not yet been reached of the members of the credentials committee.

At this point it should be observed that the credentials committee clearly had no right to meet and pretend to organize until the various district meetings had completed the membership of the credentials committee by electing from each district a

member as contemplated in the State committee's call. Furthermore, the meeting of the credentials committee at that hour was contrary to the expressed terms of the State committee's call, viz.:

"The Committee on Credentials will meet in the Palm Room, ninth floor, Claypool Hotel, immediately *after* the adjournment of the District meeting."

Of the eight credentials committee members present at 9.30, five happened to be favorable to Mr. Taft, three to Mr. Roosevelt. This momentary majority of five proceeded to organize by the election of a chairman and a secretary, and then announced that there being contests with regard to credential members from the third, sixth, and eleventh districts, members elected from those districts would not be permitted to pass upon the contests, but the latter would be decided by the remaining members of the committee whose seats were not challenged. Up to this point there had been no suggestion made to the credentials committee that there would be any contests against the members of the credentials committee as such. All that had happened was that in three of the district meetings results had not been reached. The announcement by the credentials committee served to disclose the predetermined plan for the control of the committee in the Taft interest. It was known to the Taft men that there were divisions within the district meetings of the third, sixth, and eleventh districts, between Taft adherents and Roosevelt supporters, but as to how the vote was coming out nothing definite was known, nor was there anything to indicate that the defeated party in either the third, sixth, or eleventh districts would not acquiesce in the action of the majority. In other words, the Taft fragment of the credentials committee proceeded on the assumption that they would have contests to dispose of before contests had been begun or announced, thus revealing that they were acting obediently to the settled program of the Taft men to seize and maintain control, regardless of numerical strength, of the convention in all its stages, beginning with the organization of the credentials committee.

At the time the credentials committee began to organize, the district meetings in the third, sixth, eleventh, and thirteenth districts were still in progress.

At ten o'clock the eight members of the credentials committee proceeded to consider the memberships from the third, sixth, and eleventh districts. Dr. Hause, a Roosevelt man, who had been elected credentials member from the third district, was refused a seat upon the committee on the announcement that

the committee expected a claimant to come along for his seat a little later representing the Taft delegates in the district meeting. At that time no one had been designated by the Taft fragment of the district meeting.

In the sixth they refused to seat Mr. Warfel, a Roosevelt man, who had been elected a member of the committee in the sixth district meeting by a distinct majority over his opponent, claiming that the district meeting had been irregularly called to order, notwithstanding the fact that all the delegates thereto had fully participated in the meeting, and the Taft men had been clearly and admittedly outvoted. They then proceeded to admit the Taft committeemen to membership in the committee from the third and sixth; and having got a majority by this means of one member of the full strength of the credentials committee, they seated the Roosevelt committeeman from the eleventh district.

There had thus been engineered a fraudulent organization of the credentials committee showing Taft men in a majority over the Roosevelt members of seven to six. At about eleven o'clock P.M. on March 25, the committee proceeded to dispose of contests affecting seats of members in the convention.

It is only necessary to discuss the contests coming to the convention from Marion County, the Seventh Congressional District, involving the seats of one hundred and six delegates in the State convention. The facts in the contests in the first district, Warwick County, the second district, Monroe County, and the fifth district, involving all told some twenty-six delegates, are practically identical with the facts affecting the Marion County contest; but the control of the State convention turned upon the disposition of the Marion County contests.

The committee on credentials shortly before midnight announced that it would now consider the Marion County contest. Representatives of contestants from Marion County appeared before the committee prepared to establish, by sworn statements and by oral testimony of actual witnesses, gross frauds, open violence, and the systematic use of repeaters, and wide-spread intimidation in the election of the Marion County delegates to the State convention. The credentials committee, however, abruptly announced that it would seat the Taft delegates from Marion County certified by the Republican central committee of that district, the seventh. Before the announcement of the credentials committee, notwithstanding this proffer of proof and request for an opportunity to exhibit to the credentials committee the grounds of the contest, a motion was made by Henry Marshall, of the credentials committee, that the cre-

credentials committee recommend the seating of the delegates to the State convention whose credentials had been certified by the chairman of the Marion County Republican Committee. Despite protests, despite renewed requests for an examination and discussion of the grounds of the contests, the committee, indifferent to its duties, proceeded to entertain the motion, and it was carried by a vote of seven to five. Similar action was immediately taken with reference to the contested seats of delegates from the first, second, and fifth districts; and the credentials committee summarily drafted a meager majority report for delivery to the State convention on the following morning, reciting its action as above stated, and falsely inserting a recital that it was taken "after full consideration."

There was no consideration of evidence, nor any pretense of it, nor any inquiry whatever into the merits of the contest. Not a witness was examined, not an affidavit was read, not a statement was heard on behalf of any one appearing and proffering proof in support of the contesting delegates.

The minority of the committee thereupon considered the evidence offered on behalf of the contestants and drew up a minority report recommending that the contesting delegates be seated in the convention.

The following day the State convention met and put upon its temporary roll the names of the delegates whose seats were contested, and whose places in the convention were thus certified by the credentials committee.

The majority and minority reports of the credentials committee were submitted to the convention, and a motion was promptly made to lay the minority report on the table. The chairman of the convention announced that a vote on this motion would be taken by roll-call. A demand was made on behalf of the minority report of the credentials committee that only the holders of the uncontested seats in the convention should be permitted to vote on this motion. This motion was not put. The speakers were ignored. The roll-call was proceeded with and every delegate from the first, second, fifth, and seventh districts (the latter including one hundred and six delegates from Marion County), voted in favor of the retention of their own seats.

On a count of the uncontested delegates, the Roosevelt delegates outnumbered the Taft delegates by six hundred and sixty-seven to six hundred and forty-eight. That was the legitimate vote on the adoption of the minority report. With the seating of the one hundred and twenty-four contesting delegates, whose claims were ignored, the convention would have stood seven hundred and ninety-one votes for Roosevelt and six hundred and forty-eight votes for Taft.

After the roll-call on the adoption of the so-called "majority" report of the credentials committee no further roll-call was had, although strongly demanded. Motions were put and declared carried amid great confusion. No Roosevelt man could get recognition on the floor. Repeated efforts were made to secure recognition for the purpose of placing in nomination for delegates-at-large Hon. Albert J. Beveridge, Edwin M. Lee, Frederick K. Landis, and Charles H. Campbell. The chairman of the convention, by refusing to recognize Roosevelt men, absolutely prevented these names from being put before the convention.

After the program of the convention had been jammed through, the chairman abandoned the chair amid great confusion, and at a signal from him the Taft delegates in attendance withdrew from the hall. The delegates favorable to Roosevelt remained in the hall and thereupon elected A. O. Reeser, as chairman in place of Mr. Wood, who had left the chair. Thereupon Messrs. Beveridge, Lee, Landis, and Campbell were nominated for delegates-at-large, and Messrs. Joseph H. Campbell, George E. Jeffrey, Morton H. Hawkins, and Charles J. Adams were nominated for alternate delegates-at-large. Both the delegates-at-large and alternates were unanimously elected by the delegates who had remained in the convention hall, and who constituted a clear majority of one hundred and forty-three of all the delegates in attendance at the convention.

It will be observed that Roosevelt delegates were in a majority in the State convention. Nevertheless the will of the majority in the credentials committee and in the State convention was defeated through the fraudulent steps outlined.

The election of the Taft delegates-at-large by the State convention was made possible only by permitting delegates whose seats were challenged and whose right in the convention was a subject of contest, to vote upon the contests. This is contrary to the most elementary principles of justice and fairness. It is also contrary to the rule in this respect adopted by the credentials committee, which in effecting its organization applied the rule that a member whose right to sit in the committee was contested, should not pass judicially upon his right to membership in the committee.

The Indiana convention thus not only adopted a rule which is repugnant to every instinct of fair procedure, in permitting the holders of contested seats to vote in their own favor on these contests, but violated the rule which the credentials committee of the convention had itself adopted, and by which expedient only it effected an organization favorable to Taft. So that whichever view is taken as to the right of a contested delegate or mem-

ber to vote judicially upon his own status, the election of the Taft delegates-at-large from Indiana is invalid.

If it is thought that the holder of a contested seat may vote on his own title, the organization of the credentials committee which prepared the roll and seized control of the State convention was irregular.

If the organization of the credentials committee shall be held to be regular, in that contested members were not suffered to vote on their own credentials, then the subsequent action of the convention is irregular because that rule was not observed in the convention.

The fraudulent primary by which the one hundred and six delegates were chosen in Marion County was allowed to stand by reason of the refusal of the credentials committee to consider the overwhelming evidence presented to it of frauds, intimidation and repeating. This evidence was swept aside without pretense of examination, and a report which assured the one hundred and six fraudulent delegates of seats in the convention, and a controlling voice in its organization, was hurriedly prepared, signed, and transmitted to the State convention. All that the report said about the one hundred and six delegates from Marion County was the following:

“After the committee was organized the contests from the Seventh Congressional District were first taken up, and after full consideration a motion was carried that the delegates certified by the Republican Central Committee of the Seventh District be seated.”

The facts which the contesting delegates from Marion County vainly endeavored to submit to the judicial consideration of the credentials committee are contained in numerous affidavits, nearly three hundred in number, which were submitted to the Republican National Committee, but not examined, and again submitted to the credentials committee of the national conven-

Ample proof of fraud was offered and an earnest appeal to recognize the facts thus shown, was made to the credentials committee on behalf of the contesting delegates-at-large by ex-United States Senator Albert J. Beveridge. It has seemed advisable in this connection to append the following rather copious extracts from the foreful but ineffectual plea made by Senator Beveridge to the credentials committee in this case as follows:

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE:

I do not appear before you as an attorney merely, to plead a

professional cause, but as a Republican profoundly concerned for the welfare of the party. My Republicanism was born in

me, for I was born when the Civil War was reaching its red climax and my father and my brothers were fighting for its principles upon the battle-field, as many of you men personally know. I have given the utmost that was in me ever since I reached manhood laboring in its behalf, not in my State alone, but in every State north of the Mason and Dixon line; in every campaign, and in most of the States, I have either opened or closed it. And so I appear here not as an attorney or the advocate of a faction, but as a Republican profoundly convinced of the justice of a cause which I wish to state to you as clearly as I can.

It is not a pleasant thing to do. It is not in my nature to attack anybody or say any unpleasant thing. When, as a member of the Committee on Privileges and Elections in the Senate, I felt it my duty under my oath and my conscience to stand alone against the members of my committee, and filed the minority report against Mr. Lorimer because I regarded it as a matter of righteousness, that afforded me no pleasure at all, but quite the reverse; and it is from this point of view that I come before you.

The first case involves delegates-at-large from Indiana. There were in the convention 1,439 votes, of which $719\frac{1}{2}$ were a majority. There were of uncontested votes for Roosevelt 667, and of uncontested

votes for Mr. Taft 648, giving a majority to Mr. Roosevelt of 19 uncontested votes.

There were in the convention 124 contested votes. These were made up of 106 votes from Marion County, Indianapolis, which were contested upon the ground of fraud, and which is the main point, but not the only one in the case. Thirteen were from Monroe County and five were from Vanderberg County.

If you add to the uncontested votes — admittedly uncontested for Colonel Roosevelt — the 124 of the contested votes, there is a total of 791, or $71\frac{1}{2}$ over all, or a majority over the uncontested votes of Mr. Taft of 143. These figures, of course, I believe are matters of mathematics, and any statement I have thus far made may be controverted by my friend Mr. Moores upon the other side. So that in order to get at the meat of this case we must take up the contested votes and see why they are contested and see whether the contests were just.

In the first place, take the five votes from Vanderberg County. Here are the affidavits of twenty-six Republicans of this ward in the city of Evansville, Vanderberg County. It states in substance that the chairman of the ward was a Taft man, and arbitrarily refused to allow a vote for the election of a permanent chairman, or count the Roosevelt and Taft men, but finally let

the meeting divide in the middle of the street. When the Roosevelt and Taft men divided, the Roosevelt men outnumbered the Taft men three to one. At this state of said meeting a count was made; that said chairman held a whispered conversation with one Harry Stalheifer, a Taft man, and then stepped down from the chair and walked away. Thereupon the Roosevelt men took charge of the meeting and elected a permanent chairman; that a large majority of Roosevelt men elected Roosevelt delegates to said first district convention; that it was afterward learned that said temporary chairman claimed to have appointed said delegates to said first district convention.

He appointed them; that is all the claim he made.

Now, as to the thirteen votes from Monroe. It appears that the credentials committee, to the formation of which I will come to in a moment, at the State convention unseated the Roosevelt delegates elected by an overwhelming and almost unanimous vote at the county convention of Monroe County, where our State committee is located, upon the ground that to select them by a convention, county convention, was not in accordance with the State committee's call for election, and that that should have been by townships, and therefore it was illegal and utterly void; and in view of the fact that

Taft delegates had been elected in township convention, the nature of which I will not go into, they said the illegality and the utter voidness of the delegates selected by county convention to the State convention would not allow them to be seated, and so seated the others. At the same time the credentials committee seated the Taft delegates elected by county convention in Warwick County. That is in one case. They unseated the Roosevelt delegates because they were elected by a county convention instead of by townships, and at the very same time ruling that the delegates selected for Mr. Taft in Warwick County by the same system should be seated.

That brings us down to the 106 from Marion County, which is the city, practically, of Indianapolis. In this case it is our contention, gentlemen, and we shall prove it, that there was a deliberate conspiracy on the part of the city organization—the county organization, I should say, headed by its chairman, who was city comptroller, and it is now under Mayor Shank and in control of large numbers of city employees—to conduct this election so that no matter what was done by the Roosevelt followers, no matter how many votes were cast, that nevertheless the result should show a Taft majority. In support of this, here is the affidavit of Harry O. Chamberlain, a law-

yer of Indianapolis—a lawyer of high standing in his profession, whose word I have never heard anybody doubt, and who I think no person will say would make a false affidavit. I have his affidavit to the effect that when the primary was approaching he went to Mr. Wallace, the county chairman, and asked of him fair treatment, watchers at the polls, inspectors on behalf of Colonel Roosevelt, as well as Mr. Taft, inside of the polling-places, and that Mr. Wallace, who is a very emphatic gentleman, replied: “You are not going to win this fight for the Roosevelt delegates. I am not going to let you win. You sha’n’t have a single delegate in this convention. I don’t care how much Roosevelt sentiment there is here, or how many votes you have got, you are not going to have a look-in. I propose to see to it that you don’t have a chance in the world. I don’t care how many votes you have. I will appoint a contest board that will throw out every one of you who come to this convention. I don’t care what the law is, I am not going to let you in. You might just as well take that from me and understand it. You have no more show to beat us than you have to buck down this wall. You might as well realize that you are not going to win, for I am not going to let you. You can go ahead and make a fight if you want to, but it won’t do any good; and

let me tell you something further—if I am to be licked in this fight or next November, I shall be licked next November.”

And here is an affidavit by Harry M. Smith, who was present when this conversation was had, and who says in his affidavit that it repeats the substance of what the Roosevelt men in Indianapolis asked that in the polling-places there should be inspectors for Roosevelt as well as inspectors for Taft, and it was denied them. And as a matter of fact they were not admitted, I believe, except in one or two cases. It must be remembered that in Indiana we have no law governing such a primary contest as this. Nothing is required. We don’t have to use the Australian ballot; we don’t have to use the voting-machine. There is no criminal provision applying to such a primary as this in the election of delegates to district and State conventions. And, as a matter of fact, when the polling day came no Australian ballot was used; no voting-machines were used; the polling-places in some instances were placed in the most inconvenient portions of wards; sometimes, as the affidavits which I later on shall read to you show, as far as four miles from one side to the other. In a great majority of the polling-places in the ward the voter was not permitted to see what became of his vote: it was handed in through a

little hole in the window. In one case the person who took the ballot had his back to the voter. The voter in no instance could see what became of his ballot, and in no instance except two or three where no contests occurred, according to these affidavits, were the Roosevelt men allowed to have either a watcher at the polls or an inspector upon the inside. So, gentlemen, not only that, but the notice of where these polling-places were to be fixed in these inconvenient places was not given until the evening before the day of the primary, and then in only one case. So the voting came on.

Just before this there had been a straw-ballot by the chief paper, the Indianapolis *Star*, whose very earnest efforts against the Roosevelt men and for the Taft men for the ten days before the primary throughout the State was the greatest difficulty we had to go up against—this paper had a straw-ballot. It was a Taft newspaper, and after counting the vote it showed that Mr. Roosevelt got more than three to one to Mr. Taft.

But the election came on. It was common talk in Indianapolis—I was there as it approached—that there wouldn't be an opportunity for the Roosevelt men to have their votes counted. The testimony shows that in ward after ward the grossest and most outrageous repeating was done. I remember very well that when,

as a young man, I was on the stump I used to go very carefully into those cases about election frauds in the South. I did it with indignation, but in none of them have I read anything that exceeded what I shall read to you from one of these affidavits. There were cases where a truck-load of negroes were followed by three men, who make affidavit to it, from ward to ward, and then back to the first place, and voted. There are large numbers of affidavits, but I have only brought a few because I don't want to detain you; but these will suffice, and everybody will take my word that they are fair samples, and not the worst of them, either, where repeating occurred of the worst kind. And it is the testimony of men of reputation, of high standing and integrity. And if I am not right Mr. Moores, who leads the other party in this controversy, will correct me when he comes to reply, when I make the statement that they are of the highest character and standing.

In one instance, I believe it was in the ninth ward, Mr. William L. Taylor, a manufacturer and one of the most eminent young business men in our State, a man of integrity and high standing, whose slightest word, outside of an affidavit, is taken by business men throughout the United States—a man who is not connected with politics, a man who doesn't belong to any political

faction, a man who is one of our school board there, highly respected in the community and the State—makes affidavit to the fact that when he went to the polling-place he voted, and he noted the unusual conditions there, and he became suspicious and waited around, and when the polling was done the doors were all closed and locked, of course, and he got on a step-ladder and looked into the window and saw what was going on; they were in there for five or ten minutes until the so-called voting was said to be over, and that the election officers did not even touch the ballot-boxes, but came out at the expiration of that period, and gave the report of the ballot without even touching the ballot-boxes or looking at a ballot.

Again, a Mr. Griffiths, one of the election officers, makes an affidavit here that he was an inspector or something. He is a city employee. He made a statement to Mr. Gordon Hubbard of Indianapolis, whose cousin he is, that what they did in his ward was just to reverse the Taft and Roosevelt vote. That gave Taft 480 and Roosevelt 80, whereas the real vote was precisely the reverse. In other cases instances of fraud are even more clear and glaring than that.

In the Lorimer case I had occasion to examine exhaustively every case of fraud in elections that has occurred and

has been reported in the English language. And one of the lightest of these things which I shall read to you in England would put a man in the penitentiary under their corrupt practises act.

Not only was repeating done, but in instance after instance men voted who were recognized by the men making those affidavits as not living in the ward.

For example, Mr. J. P. O'Mear, who is the editor of the *Indiana Catholic*—the Catholic paper of our State—and whose word and standing, I imagine, will not be challenged, swears that he saw droves of people—I will read his affidavit in a minute—and among them a negro boy not fifteen years of age, who went up and voted—voted! You must remember that the challenges that were made to all these illegal votes were not paid attention to. They were voted without attention being paid to the challenges, although challenges were made.

Another instance: Men like Mr. Lewis—Mr. Edwin M. Lewis, of Bicker & Daniel's law office—whom Mr. Moores knows very well, one of the young men of the highest character in our entire State, make affidavit that they made actual count of the votes polled, how many Roosevelt had, and the discrepancy between that and the return is glaring.

These, gentlemen, are some

of the examples, some of the kind I know of the frauds practised in that election, and I do not doubt but that there are some members of the delegates-at-large, if they were informed as I have been, by reading these affidavits myself for the first time, would refuse to sit on that delegation.

This fraud in all the wards where the contested delegates came from was universally and well known. The strictest proof, as every lawyer knows, of fraud in election cases is this: that you count up the illegal votes, and if there is not enough to vitiate the majority, then, no matter. That is a ruling that has long since passed away. The courts do not adhere to that terribly dangerous practise any more. But, conceding that, the corollary to that rule will not be denied as a legal proposition by anybody, because the books are full of it, that where fraud is universal, notorious, and prevailing, it vitiates the whole election; and that is the kind of fraud that is established in these cases.

Now, with this outline of the nature of the fraud, let us come to this State convention. and then I shall ask to interrupt the logical course of my remarks to come back, after I relate what occurred at the State convention, and read the specific examples of the testimony I have referred to, and describe the character of the men who make the affidavits.

With the election thus held, and, if this is denied, it cannot be denied that it was universal comment in the Columbia Club every day, by both Taft men and Roosevelt men—we are all friends down there personally, and we meet at the club like everybody else, and eat lunch—that these frauds were unprecedented in the history of our town. And I personally have not met a man who, at luncheon when these things are talked over in a friendly way, has denied it. Not one! It is universally in the air.

With these elections thus held, and these 106 men thus elected, they were given certificates by Harry Wallace, the county chairman. Harry Wallace is the city comptroller. The mayor of the city of Indianapolis, who appointed Mr. Wallace, is Mr. Shank, and Mr. Shank's most intimate associate is Mr. Kealing, who is said to be one of the managers of the Taft campaign here, and who has been well known to be actively associated with him.

Mr. Wallace made the declaration to which I have referred, and he issued certificates to these 106, notwithstanding the protests of their election.

Then a credentials committee, or a contest committee, which is a thing which exists by custom in Marion County for the last twenty years, was appointed, and on that contest

committee was the partner of Mr. Joseph P. Kealing, a city employee—I have forgotten who the other man was—and a young man by the name of Bamberger, who declared that he would not vote for Roosevelt even if he was nominated; but Mr. Bamberger did not serve upon the board, but was out of town. Those gentlemen assumed to pass upon these cases.

Then came the State convention. A credentials committee was appointed. The Taft men got control of the committee by a trick which aroused my anger, although I never pay very much attention to those things. We controlled the committee, the Roosevelt men, by seven to six. There are thirteen districts in the State; the Taft men had six uncontested places on the credentials committee, for our men made no contests where there were no contests to be made. But three contests at the last moment were trumped against the Roosevelt members of the credentials committee.

For example, the sixth district — Richmond, Indiana — which has two Roosevelt delegates here, and a great majority of Roosevelt delegates to the State convention, nevertheless, had a Taft member of the credentials committee—how the credentials committee was composed I waive. I don't want to confuse your mind by any technicalities. I want to come directly to what it did.

It finally was organized with seven to six—seven Taft men to six Roosevelt—and they proceeded to decide these contests. They decided the cases of Monroe and Warwick in the way I have told you, reversing themselves in the two contests, and when it came to the examination of the 106 contests, from Indianapolis, Charles Remmler and Linton A. Cox—Charles Remmler, a lawyer of the highest standing at the bar of our city, and Linton Cox, our former candidate for Congress, and a man than whom no man at the Indianapolis bar, of which I am a member, stands higher, and he makes affidavit here as to the frauds in his ward—appeared for these contestants before this credentials committee and set forth the frauds that had occurred, and offered to prove—and the offers are in the brief—offered to prove as a lawyer in court offers to prove the testimony he is presenting—the frauds that vitiated the election of these men; and the credentials committee absolutely refused to hear a word of testimony, and decided in favor of the Taft delegates thus elected, without a word of testimony being presented.

In that way it went before the State convention, which convened the next day, the 106 Roosevelt delegates who were legally elected from Indianapolis all the time protesting and offering to prove their cases, their offers being refused and

the testimony being refused to be considered by the contest committee, although it was universally said on the streets—it was in the air, it was full of charges that the frauds had occurred, and I have never yet, as I said to you gentlemen, heard any person I have heard talk about the case, no matter whether for Taft or for Roosevelt, deny the existence of these frauds.

So the State convention convened.

Now, when the convention met, a majority and minority report of the credentials committee was first presented in the usual course. Mr. Stillwell, who sits there, was the chairman of the minority committee, the Roosevelt men, and I have forgotten who was the chairman of the majority or Taft men. The minority report challenged all these votes, and recommended that they should be unseated, and the Roosevelt men seated in their place; and of course the majority recommended that the 106 from Indianapolis and the five from Vanderberg, etc., should be seated. Mr. Stillwell moved that the minority report be made a substitute. On that there was a roll-call, and the 124 contested votes were permitted to vote upon their own case. Mr. Stillwell arose and with all his might tried to get the recognition of the chair to appeal from the decision. It was denied him. He was not recog-

nized. He then attempted to get recognition to challenge the vote, but that was refused him, and that appears from the affidavit which Mr. Stillwell himself makes.

Thereupon, to pass to the next step in the convention which is vital, the chairman of the State convention, Mr. Will Wood, of Lafayette, Indiana, called for nominations, and some of you gentlemen, I believe Mr. Watson—it doesn't make any difference—nominated the seating of the delegates-at-large. Mr. Wood would well, who is very well known in Indianapolis, whose voice has exceeding power and penetration, arose instantly and with all his might tried to get the recognition of the chair for the purpose of putting in nomination the Roosevelt delegates-at-large. Thereupon Mr. Stillwell did not recognize him, and the fact is that Republican State Convention had no opportunity to vote for anything at all except the delegates-at-large in our city. Immediately thereafter a motion was made to adjourn, and Mr. Wood declared the convention adjourned. The Roosevelt men met, to the number of 750 to 800, in the same hall, and this is supported by testimony which I will read you in a moment, because the convention elected a chairman and a secretary in the regular form, in the same hall, at the same time, and immediately after the breaking-up of this arbitrary proceeding, and

elected the contesting delegates-at-large. Now, that is the history of the convention.

Now, gentlemen, I return to the question of fraud in Marion County. Let us get down to specifications. I call your attention to a statement made in the brief of the city delegates. In each one of these wards appears the sworn statement of the election officers, most of whom are city employees, that everything was regular, and that there was no repeating and no fraud.

It is sufficient to say in answer to all these statements, without imputing anything or questioning the veracity of these gentlemen who make the affidavits, that the affidavits show—the ones I am going to present to you—that there was no opportunity for them to see if there was repeating or not; that they didn't want to; that the repeating was done outside. The inspector, if he recognized them, let them in. It was in a closed room. But let us take this up ward by ward, and see what occurs. Now, here is a similar affidavit from these so-called election officers in every ward that everything was regular; that there was no repeating; that there was no fraud, although if they were attending to their business perhaps they would not have as much opportunity.

Let us take the first one. Here is Mr. Theodore Hewes. Mr. Morris knows Mr. Hewes very well. He is the editor of

a big poultry journal, one of the largest in the United States, and one of the very largest and best-known men in that line all over this country. I dare say as to Theodore Hewes that some of you men know him. He is a man of wide acquaintance; a man of the very highest business standing; a man whose integrity has never been questioned. Now, let's see what he says about this: "Affiant further says that there were a great many repeaters voted at this primary over his protest." Theodore Hewes is a man who has lived in that ward; he is active in politics—I mean a regular Republican worker, who has never asked for office, and never held any office, I believe. That there were a great many repeaters voted at this primary over his protest, and that the inspector and police refused absolutely to pay any attention to his challenges! And I say I shall show you by affidavits which I shall read, if I get the time, that the police force interfered in this election to the detriment of the Roosevelt forces; and I shall in a moment read the testimony of Judge Henry Clay Allen, for whom all of us in Indianapolis have a respect that is almost reverence. Henry Clay Allen, whom this gentleman sitting there, Mr. English, knows, and who has a name that stands for honor in every home in Indianapolis; a man who would not tell an un-

truth, much less make an affidavit to an untruth, not even for the Presidency. That is the kind of man he is. Let's see what Mr. Hewes further says: "Affiant further says that the members of the election board are all employees of the city of Indianapolis." Although we asked for a representation on the board. Wasn't that fair? Wasn't it fair to give us a representation on the board, too? They were all city employees. Samuel Lewis Shank, the mayor of said city, was a candidate for delegate on the Taft slate at this primary. "Affiant further says that after the closing of the polls he made a request to John Carter, the inspector in charge, that he be allowed as a watcher to witness the counting of the ballots." And remember that this man is not a ward heeler. That he be allowed as a watcher to witness the counting of the ballots, and that the inspector told him he would have to see Wallace; that affiant then called Wallace over the telephone, told him the conditions, and requested for the sake of party harmony, and having at heart the success of the Republican party in November, that he be allowed to witness the counting of the ballots; that this request was refused; that affiant then asked as a personal favor that he be allowed in the room, and that said Wallace, who, as before alleged, is chairman of the Republican

County Central Committee, replied as follows: "I would do it for you if for anybody, but I don't propose that you fellows shall have a damn vote in Marion County."

When Mr. Moores comes to reply he can tell you who Theodore Hewes is from his personal knowledge and information. And here is one from David D. Nagley. He owns a farm out there at the east end of the town. He testifies that he went to the polls, and that during his stay at the polls there were several wagon-loads and automobile - loads and squads of voters who came to vote for the Taft delegates; "that to affiant's best information and belief these voters were not residents of his ward." He is a man who has lived there all his life, too. "Affiant further says that the voting-place was in the southeast corner, about two miles from affiant's home," and so forth. There are other things, but I will not take your time.

And here is the testimony of Squire Kelly. All this is in the ward where these gentlemen who were city employees trying to elect Mayor Shank, and Mr. English, who sits there to vote on this case, at the primary just preceding this case. He says that he voted on the day and date above, at the voting-place of the First Ward; and that he went to the polls carrying in his hands a Roosevelt ballot, which said ballot was marked

for men who were in favor of men for Theodore Roosevelt; that when he approached the polls with the Roosevelt ballot in his hands, several city employees surrounded him and urged him to vote the Taft ticket; and that the Roosevelt ticket was torn from his hands by the Taft supporters, and that he was brutally assaulted by the Taft adherents.

Affiant avers that he finally made his way to the window and cast the Roosevelt ballot, but that he could not see what disposition was made of his ballot; that the city employees in and around the polls told him he would lose his position in the city of Indianapolis. I understand he was fired from his position because he dared to vote for Roosevelt, and I will show you, gentlemen, if we have time, that a policeman's name—one man, the only man we could find who dared to vote for Roosevelt—had his name taken down with the remark, "I saw you do that"; but I will only give you some samples. It will take too long to do it in full. I can see that.

Let's take up this Second Ward. And I am going to take up some little time there, because of the character of these men. Here is the Second Ward, gentlemen. Here is an affidavit by Joseph P. O'Mahony. Mr. O'Mahony, I want to impress upon you, is the editor of the *Indiana Catholic*, a Catholic paper of Indianapolis, and I don't suppose, whatever

our heat may be in politics, that anybody will question the honor of Mr. O'Mahony. He testifies that he went to the polls and stayed there where the voting-place was located; and he tells how inconvenient it was, and he had to put his ballot in through a hole, and he could not see what became of it; and he says: "Under these conditions the Roosevelt supporters on the sidewalk asked several times for watchers or one watcher to be allowed inside the polls, but this was flatly refused."

I want to stop and impress upon you gentlemen clearly that all these affidavits establish the fact that while we were denied watchers in the voting-place, or any access to it so we could see what became of our tickets, the Taft men, on the other side, were allowed free access to the polling-places, and there are the affidavits. "Across the street in a vacant house were assembled a crowd of colored men, many of whom, to the knowledge of this affiant, were absolutely strangers in the ward. From this building, guided by city employees, groups of men were about to cross the street from time to time to vote, all being supplied with Taft tickets in advance. Affiant saw a colored fellow who was not more than fifteen years of age, going to vote with a group of colored men, and, approaching him, asked him his age. When questioned he said

his father told him he was old enough to vote. As affiant was questioning the boy, a city policeman who was on duty at the place caught him by the arm and said, 'Don't interfere with that voter.' The policeman then led the colored boy into the line of voters, and he voted without further question.

"Affiant witnessed several other such instances of fraudulent voting, and when the voting-place was about to be closed a half a dozen vehicles, loaded with strange men, black and white, were rushed to the polling-place, and several hundred votes cast which, in the knowledge of the affiant, who lived in that ward, had no right to be cast in the ward. The conditions in the primary to elect delegates for the State convention were in the opinion of affiant far worse than at the primaries for the election of the district delegates held on March 15. The illegal voting was more open, and affiant solemnly declares after an experience of twenty-one years in which he has witnessed all kinds of primaries in Pennsylvania and Maryland, and elsewhere, that he never saw such open and flagrant fraud as at this election held in Indianapolis." That is the editor of a Catholic paper, and I will read you also the testimony of an eye-witness who is a Baptist preacher.

Here is the testimony, gentlemen, showing the general

conditions, the affidavit of Judge Henry Clay Allen. I am going to take the time to read you this, with your permission, because of the character of Judge Henry Clay Allen. He was for twelve years the judge of our Circuit Court, and I think that Mr. Moores—and this is a subject that does not concern anybody but Mr. Moores and myself, and we will agree that if there is one thing that will describe the character of Judge Henry Clay Allen, it is the word "honor." His word in Indianapolis stands absolutely. He is one of the most sacrificing men in our State or in any other State, and it is he who, when on the bench, said that while there might be a different course with us, and that a man that was honest for any reason deserved praise, still that a man who was born honest, had a better start.

"Judge Henry Clay Allen, being first duly sworn, said on his oath, that he had resided in this city since 1876 and most of the time near the place where he now resides.

"That prior to the recent primaries held to select delegates for the Republican national convention, residents of said wards supporting ex-President Roosevelt requested him to act as the inspector or judge on the election board at such primary, which he consented to do and his appointment was requested and refused by those in charge,

and those opposed to President Taft's nomination were refused any representation on the board." About time for the polls to open, before the polls were opened for the primary to elect delegates to the district convention, which was to choose delegates to the Chicago national Republican convention, quite a number of Republican voters of the ward were present at the place designated for the primary, including the ward committeemen and State committeemen for this district and Mayor Shank. The City Comptroller is chairman of the Republican County Central Committee, and one of the board appointed was a clerk in his office. The other two members of the board were employed as city inspectors or some other subordinate position in the city government.

One of the inspectors who makes this affidavit with reference to seating the delegates at large, swears that this thing was all done correctly. In this Second Ward the vote was reported by the inspector, as 87 for Roosevelt and 561 for Taft. Now let us see what this inspector did. This is an affidavit made by Mr. Hawkins. He is a lawyer in Indianapolis. He testifies that this man Griffiths stated to him that when they came up to report the vote, he simply reversed the vote, that is to say, he simply made it 561 for Taft and 87 for Roosevelt.

Let me go to the Third Ward. I am going to pick some out for you, gentlemen. I will have to pick them out or we'll never get through tonight. Gentlemen, this is an affidavit by Harvey B. Stout, and this affidavit, I repeat, is supported by Carle Mots, a newspaperman, and Mr. Hill, an engineer for Fairbanks, Morse & Company. Mr. Harvey Stout is a lawyer. He is a lecturer on law at the State University, at Butler College, and two law schools in Indianapolis. His credibility as a witness I think will not be questioned by anybody. "That the affiant together with a mechanical engineer in the employ of Fairbanks, Morse & Company," He says that he is accompanied by this man, "that affiant saw a truck-load of men on South Meridan Street bearing about forty voters drive first to the Tenth Ward where he saw the men cast Taft ballots, then he saw the truck go to the Eleventh Ward where they voted Taft ballots"—and I want to stop right here and explain another thing which I ask everybody to take my word for. Nearly all these affidavits show that the Taft ballots in some wards were distinguished by having a red band across the back, that in others they had a checkered design on the back so that they were all well known, that is, the Taft ballots were well known, whereas the Roosevelt ballots were the ordinary ballots. When these

gentlemen testified that they knew the ballots, they knew because they saw the vote. That the truck then went to the Eleventh Ward where they voted Taft ballots. "That affiant saw a truck in the Fourteenth Ward, another auto truck filled with men joined the first truck. Affiant saw the voters in both trucks vote at this place; that affiant saw the trucks go to the Fifteenth Ward where he saw both trucks loaded with men vote Taft ballots." "That affiant then drove to the Fourth Ward of the city of Indianapolis and saw there several other automobiles loaded with men; that affiant saw one truck loaded with men stop at the saloon, the Fort Wayne Saloon; that he saw the load in this auto go into the saloon, stay there about five minutes, climb back in the automobiles and return to the Sixth Ward voting-place where they voted Taft ballots; affiant further states that he saw automobiles containing colored Taft workers go to the same saloon; that at this time the driver of the automobile saw that the affiant in his automobile was following him and that the first automobile then at full speed drove to the northern part of the city for about four miles, and finally the affiant and those in his machine with him lost track of the machine containing the Taft repeaters. Whereupon affiant immediately drove his machine to the voting place in the

Sixth Ward in time to see the first automobile load of men vote for the third time at the voting place at the Sixth Ward."

Passing over the former part, affiant further states that he was present immediately after the polls were closed and was permitted to watch the counting of the ballots. In the bottom of the ballot-box there were more than 250 Taft ballots folded uniformly in stacks and pads as though placed in there at one time. There is other testimony here, Mr. Chairman, that shows the same thing. When I come to Mr. Lewis's affidavit, and I want to tell you about it now, of the men that he found going to the poles with four ballots folded up in their hands; that one of Shank's appointees was permitted to watch the counting of the vote and that in the bottom of the ballot-box there were found folded, occurring in stacks or pads, ballots which looked as though they were placed there at one time. The voters couldn't see what became of the ballots.

This is the affidavit of William L. Taylor, at the head of the firm of Chandler, Taylor & Company. Mr. English knows him well, and Mr. Moores knows him well. Perhaps he is one of the six leading young business men of Indiana. His word, as I said before, is taken everywhere in the business world wherever he is known. He is a man of

high standing. He is a member of the school board. He has nothing to do with politics, he is not connected with any faction, has no interest in politics except to see that clean politics exist. He testified that he looked through the windows from a step-ladder for from five to ten minutes, and that they didn't even touch the ballot-boxes. It is the character of the man as well as what he swears to.

Now, here are affidavits of Charles P. Jones and of Mr. Curtis, concerning false votes being cast, that is where an accurate count had been kept and the vote returned by the inspector, and it being different.

Here is one concerning the non-resident votes. Here is one concerning police interference. This runs all through these affidavits. Repeating and police interference. And this is an affidavit by George Mueller. George Mueller is one of the Mueller Commission Company. Here is one by Charles E. Bacon. He is the architect of the Merchants' National Bank Building, and of that other big building there. He describes the condition of the voting places as far as he knows. Here is one by George R. Mueller concerning the police voting at the voting place.

I will be through with this testimony in just one second. There are affidavits about the illegal voting of city employees. Here is one concerning repeat-

ing. Here is one concerning repeating. This is one by Mr. Galloway. This is by Frank Doudican. He testifies to repeating. This is as to minors. I know I must get through with this, but when I get hold of one like this I will read it: "That a great many of these ringsters acknowledged that they lived outside of the ward." He is testifying to repeaters that he saw and talked to. "Acknowledged that they lived outside of the ward, and that others of them were so ignorant that they didn't know their own name." Here is an affidavit which says that one negro repeater said: "I am not going to vote any longer. I have voted four times. I am not going to vote any more for fifty cents."

Now there is Dr. Roberts's affidavit. This man is the pastor of the Baptist Church. Here is what Dr. Roberts testifies to: That he was a candidate himself for Roosevelt delegate, and that he was at the polls all day, and that he personally saw one man vote two times and another four times, and that repeating was in force. So we have the testimony of a Catholic paper, a Baptist preacher, and then young business men and Mr. La Cost, who is Republican candidate for Congress, and men like that.

Now then, gentlemen, it is plainly evident by what your chairman called my attention to that I have not got any more

time, but I wish I had. But I have given you details, I have given you specifications that fraud was unprecedented and universal, excepting in two wards. It was vicious, utterly and absolutely. I venture to say that I have gone over history in my study of the Lorimer case. I have gone over the entire history of election frauds in England and this country, and I defy anybody to find any conditions that are worse than this. I closed the arguments in the Lorimer case, and the situation in that case is set forth in my speech in the *Congressional Record*, and I have never read of a case that approaches in the facts to the fraud of this one. And you must remember that we are the party of the purity of the ballot. We are the people who protested against indecent balloting, who protested against indecent outrages against the ballot in the South by which the Southern Republicans and the colored men were kept out of their rights. How can we take that position if we concede and allow these conditions here?

Very well, if these 106 votes were sustained by fraud they must be rejected, and it gives the Roosevelt delegates—of course as a mere mathematical

question—the majority of that convention. If you add the Roosevelt delegates who were popularly elected it gives us a certain majority. If you add the others that were thrown out in Monroe and other counties it gives you the majority that I stated to you in opening my remarks.

Immediately after the convention adjourned, and gentlemen, I say to you that I am presenting this case with all my soul, I am presenting it to you not merely as members of the committee, as national committeemen, not merely as Republicans working shoulder to shoulder to advance the cause that our party represents, to sustain that party, but I am talking to you just as I would talk to a jury. I am earnest about it. I say frankly that I would not stand here and appeal to you, and I think every one of you will admit it, if I had any doubt that this fraud was done. I am not that much interested in politics. I was not that much interested in the results. I did not want to take the position I did in the Lorimer case, but I believed that it was right, and I believed that I had to do so, because the testimony was dead open and shut, and it became a matter of duty.

This earnest plea fell upon deaf ears. The Taft majority on the credentials committee formed its rush-line and pushed over this mountain of uncontroverted proof of fraud by a vote of thirty-four to eleven.

It is interesting to read in this connection an editorial pub-

lished in the Indianapolis *Star* on March 27, the day after the Indiana State Convention. The heading of the editorial is "The Flaw in the Title." The following is a quotation from it:

"Much as the *Star* desires the renomination and reelection of President Taft, it greatly regrets that the verdict of Indiana Republicans in his favor could not have been straight and clear. As it is, there is a cloud upon the title of the four delegates-at-large and the two delegates from this district.

"This flaw becomes the more deplorable because of the fact that the majority of one hundred and five in yesterday's convention would have been wiped out entirely and a small majority for Mr. Roosevelt would have taken its place, if the disputed votes from this county had not been counted on the question of their own legality."

BY THEODORE ROOSEVELT

(Reprinted from "The Outlook" of July 13, 1912)

No free people can afford to submit to government by theft. If the will of the people is defeated by fraud, then the people do not rule. If those who are thus foisted on them represent the special interests instead of the people, then the interests and not the people rule. When the people are denied their only thoroughly efficient weapon, the direct primary, against this usurpation, as was done by the ruling in the California case, then under the system thus established the people cannot rule. The only remedy is to break from the system. It is useless to counsel patience until the next convention, because the organization is already complete to nullify the action of the people as effectively then as it was done this time. The same arbitrary powers have been conferred on the national committee that were exercised this time, and that committee, which is to act in 1916, is already elected. It is composed of men the majority of whom, under the lead of one of their number, Mr. Barnes, have already shown by their votes in the convention that they are prepared to repeat in 1916 the usurpation of 1912. Every state in the Union might pass presidential primary laws, and all these states might vote for the same candidate, but if that candidate were not satisfactory to the national committee now in office, it could, and would, reverse the action of the people. On a square issue of power between the republican national committee and the republican voters the committee has won, and has demonstrated that it can win again. The organization has frankly abandoned the pretense of making effective the will of the voters. Its leaders, from the President down, take especial pride in the fact that they have outwitted the majority and have controlled the convention against the will of the rank and file of the voters—the "rabble," as Mr. Taft's chairman, Mr. McKinley, termed them. If the American people are really fit for self-government, they will instantly take up the challenge which a knot of political conspirators have so insolently thrown down. Non-resistance to such treason against popular government would be almost as reprehensible as active participation therein. Both a great moral issue and a fundamental principle of self-government are involved in the action of the so-called republican convention at Chicago; and we cannot submit to that action without being false both to the basic principles of American democracy and to that spirit of righteousness and honesty which must underlie every form of successful government.

REPORT OF THE MINORITY OF THE COMMITTEE ON CREDENTIALS

The following is the report of the minority of the committee on credentials, setting forth the reason why the report of the majority seating the fraudulent delegates clearly indicated the consummation of a deliberate conspiracy to control the convention against the will of the republican voters. Under the rulings adopted no opportunity was given to the minority of the credentials committee to bring this report before the convention:

“This convention was called to contain 1,078 delegates. Of this one-quarter were to come from states and territories which have no part in republican affairs, cast no republican electoral vote, and are practically destitute of republican voters. Such delegates are always controlled by Federal office-holders or others interested in the management of Federal office. As they live by politics, they form an efficient political machine. The combination between these and one-quarter of the delegates from the republican states will form a majority of the convention. In other words, one third of the representative republican states can, by manipulation, dictate to two-thirds of the republican representatives.

“This year such a coalition was attempted, but a majority of the convention was not obtainable until members of the national committee, who have been repudiated by their own states, seated a sufficient number of contested delegates to give a majority on the temporary roll-call.

“At the organization of the convention the chairman of the national committee, contrary to good parliamentary law and good morals, insisted on counting the votes of these contested delegates on the preliminary roll-call which elected the temporary chairman. Upon the motion to exclude these contested delegates from participation in the deliberations of the convention upon those contested, the temporary chairman ruled that they should sit upon their own contests.

“A committee upon credentials was then appointed, upon which the contested delegates were represented and seated.

“In the committee on credentials a coalition was formed of the contested delegates and members of the national committee and a minority of the representatives of the republican states.

“This coalition formed a substantial majority of the committee. It proposed to prevent the hearing of all of the testimony by limiting the contestants on delegates-at-large to ten minutes and on district delegates to five minutes in which to present their cases, and did not agree to a decent amount of time for the hear-

ing until a number of the unorganized members left the room in disgust. During the hearing the members of the national committee, who were, in fact, sitting upon their own cases, acted as attorneys for the seated delegates, interfered with an orderly procedure, and bullied the witnesses of the contestants. The hearing, if held in public, would have aroused the scorn of all spectators, and for this reason the public were excluded. The coalition in the committee is bringing in reports faster than they can be prepared, making it evident that the reports have been prepared beforehand, and merely adopted as a formality. No time is furnished to the unorganized delegates to consider their cases or prepare to present them to the convention. It is, therefore, plain that if these contested delegates are seated they will not only create a majority of which less than one-half represent republican states, but that this majority will also be composed of delegates improperly seated, in violation of good parliamentary law and common morals. It is also plain that this is not accomplished by mere partisanship, but that it is the result of a comprehensive plan prepared in advance and deliberately carried out to control the republican convention against republican voters.

“ROBERT R. McCORMICK, Illinois.
 HUGH T. HALBERT, Minnesota.
 CLENCY ST. CLAIR, Idaho.
 LEX N. MITCHELL, Pennsylvania.
 R. A. HARRIS, Kansas.
 D. J. NORTON, Oklahoma.
 A. N. SWIFT, Oregon.
 J. M. LIBBY, Maine.
 JESSE A. TOLERTON, Missouri.
 FRANCIS J. HENEY, California.
 S. X. WAY, South Dakota.
 HARRY SHAW, West Virginia.
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